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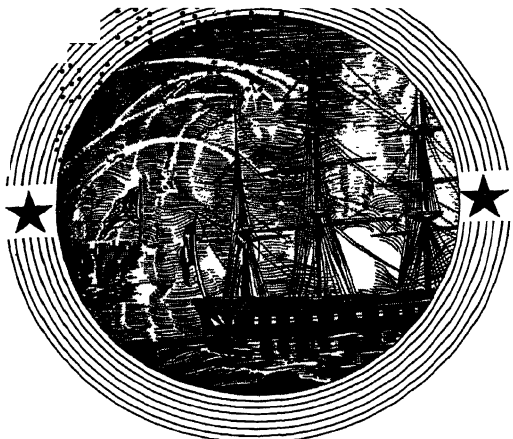












On the shore daily seen through the mist of the deep  
 Within the foe's laughing look in steam belian exposed  
 Around the vessel's side gleam the bomb hursting in air  
 From proof through the night that our flag was able there  
 To say that the star-spangled banner yet arose  
 O'er the land of the free in the home of the brave!

On the shore daily seen through the mist of the deep  
 Within the foe's laughing look in steam belian exposed  
 Around the vessel's side gleam the bomb hursting in air  
 From proof through the night that our flag was able there  
 To say that the star-spangled banner yet arose  
 O'er the land of the free in the home of the brave!

How it catches the gleam of the morning's first beam,  
 In full glory reflected now shines in the stream,  
 'Tis the star-spangled banner — O long may it wave,  
 O'er the land of the free in the home of the brave!

And where is that band who so courageously swore,  
 That the banner of war in the battle's confusion  
 A home in a country should leave us no more?  
 Their blood has washed out their foul footsteps' pollution  
 No refuge could save the hireling and slave,  
 From the terror of flight or the gloom of the grave,  
 And the star-spangled banner in triumph doth wave,  
 O'er the land of the free in the home of the brave.

And that he it was who gave freedom to the slave,  
 And whose tiny body was the war's destruction,  
 And whose tiny body was the war's destruction,  
 And whose tiny body was the war's destruction,  
 And whose tiny body was the war's destruction,  
 And whose tiny body was the war's destruction,  
 And whose tiny body was the war's destruction,  
 And whose tiny body was the war's destruction,

THE SIEGE OF FORT MCHENRY (from an old woodcut)

KEY'S ORIGINAL MANUSCRIPT of "The Star-spangled Banner"  
 copied from the back of an envelope



# SPANGLED BANNER

*The Story of*  
FRANCIS SCOTT KEY

VICTOR WEYBRIGHT

FARRAR &  
RINEHART  
• INC. •  
ON MURRAY HILL  
NEW YORK



TO  
HILDEGARDE FILLMORE



## PREFATORY NOTE

THERE has never been a full-length biography of Francis Scott Key—a discovery I made when I was thirteen years old. I was asked to accept on behalf of the little red Keysville School, in which I was a pupil, a spangled banner presented by a local patriotic society, and to my dismay, could find no book to draw upon for “appropriate remarks.” On the summer day when that flag ran up into the breeze as if wafted by oratory, and farmers and storekeepers, all dressed in their Sunday best, sang the anthem with sentimental tears in their eyes, there were aged men present who remembered Key and whose fathers had known him. Yet no one, with the exception of my grandfather and a few others, had gone to the trouble of preserving stories of him which survived in the neighborhood.

Not then—indeed, not till six years ago—did I decide to write this book. I was revisiting the redlands, strolling again through the orchard of Terra Rubra where I had rehearsed my flowery flag-acceptance speech, where Key himself doubtless had practiced youthful declamation, when I was struck with the advantages I possessed for research. Although I was not free to undertake the book till 1934, I immediately began to collect material—and some of it I scarcely needed to collect. Some of it, of course, based on the tales of old men, is vague—such as the persistent story that Key was born out-of-doors and not in the mansion. Yet it has a certain value. I have

striven to write a biography not too ponderously exhaustive; a book containing all the salient details of Key's career, yet not overfreighted with dust from the archives. For that reason I have omitted many of his law cases and much of his correspondence; the best of his letters were those to his friend, John Randolph of Roanoke, which were published in Garland's "Life of Randolph" in 1850. And, of his law cases, I have selected only those which indicate the direction of his practice.

As the reader will discover, I have digressed to present as complete a picture as possible of the circumstances surrounding the writing of "The Star-spangled Banner." This story is of the Anthem, as well as of its author. The song made his name, if not his life, familiar to the generations which followed him.

VICTOR WEYBRIGHT.

*Rabbit Hill,*  
1934.

## ACKNOWLEDGMENT

It was my good fortune to meet with helpful assistance on nearly every hand while preparing this book, and I am sorry that I have not sufficient space to record the names of all to whom I am indebted.

I wish to express my thanks to the staff of the Library of Congress, especially Mr. T. P. Martin of the Manuscript Division, Mr. Volta Parma of the Rare Book Room and Messrs. David C. Mearns and Verner W. Clapp of the Reference Room. Also to the staffs of the Peabody and Pratt Libraries in Baltimore; the staffs of the Maryland State and St. John's College Libraries in Annapolis; the staff of the New York Public Library, especially Mr. Wilmer Leech of the Manuscript Division.

Likewise, I wish to acknowledge my debt to Mr. Alan Dudley of the British Library of Information in New York; to the custodians and trustees of the Taney House in Frederick and the Flag House in Baltimore; to the Daughters of the American Revolution, and other organizations which have preserved historical landmarks pertinent to my researches.

I am grateful to the Honorable Henry L. Stimson for a letter concerning the Woodley mansion; to Colonel Hampton Anderson for his courtesy in forwarding queries to the efficient archives office of the adjutant general of the United States army; to Mrs. Gabrielle Eliot Forbush and Miss Mary Elizabeth Switzer in the office of the secretary of the treasury for facilitat-

ing my exploration of the Jackson period; to Mr. Denton Gehr and other Marylanders for permission to use Key letters and material; to Mr. P. B. Englar for access to the back files of the *Carroll Record*; to Mrs. William Conrad and Miss Chalmers Fillmore for painstaking clerical assistance.

Most particularly I wish to thank Mrs. Frances Key Pendleton for providing me with a copy of the Key-Pendleton genealogy and for permitting me to view the portrait of Mrs. Key and to use, although it could not be included in this book, the portrait of Francis Scott Key, in her possession.

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## CHAPTER I

### TERRA RUBRA

FRANCIS SCOTT KEY, like Adam, came of the red earth. He was born August 1, 1779, at Terra Rubra, his family's country seat in the Maryland redlands. Tradition handed down in the locality insists that he was a premature child, not born in the manor house, but by a lane of the estate; some say as far away as Ladiesburg on the road to Frederick. He might be called a war baby of the Revolution; before his birth his father had marched to Boston as a lieutenant of mountain riflemen; and after his birth his father rode to Virginia to soldier with Lafayette against Benedict Arnold and Lord Cornwallis.

He was of the same generation as Webster, Clay and Calhoun; as Roger Brooke Taney, who married his only sister; as half-legendary Barbara Frietchie, who once his very real neighbor and acquaintance, now like himself imparts a curious poetic tradition to what the authors of lyrics and melodramas are pleased to describe as "the heart of Maryland."

He was active in many great causes and events of his time but he has suffered the obscurity common to prominent laymen. He is remembered almost entirely because, detained by the British fleet bombarding Fort McHenry in 1814, he wrote "The Star-spangled Banner." He is celebrated as if he were forever suspended there in history, lute or pen in hand, a man

of one exploit whose career before and afterward is of no consequence. It seldom occurs to anyone to inquire why Francis Scott Key, of all men, went down the Chesapeake to rescue Dr. Beanes, the venerable medico who was present at the birth of the national anthem. He went as an accommodating friend and as a capable lawyer. At the commencement of his journey to the Chesapeake he rode past the smouldering ruins of the Capitol building which, fired and ransacked, had been destroyed by the very British admiral he was bound to meet.

After his historic errand was finished he regarded his poem, written against defeat during one of the most melancholy moments in American history, as an effusion similar to the album rhymes which he delighted in composing for his friends. It was a paraphrase. It was hastily composed. He was amazed that it had made such a hit. He was not a professional poet and he should not be judged as a poet. It is better that opinion of him and of his poem should follow rather than precede an examination of his life and accomplishments.

In order to appreciate the scope and direction of his character we must follow him from his childhood, like the redlands creeks by which he played, leading eventually to the Potomac—a Maryland man in a Maryland orbit. If we discover that he failed in trying to carry to the national scene the idealism of the enlightened, philosophic gentry of his father's day, we cannot blame him. In his youth he was overshadowed by the heroes of the Revolution; in his maturity, like nearly all his generation, he was displaced by the aggressive, homespun men of the frontiers.

He came of a gentle family and he himself was gentle. After being bullied and detained by the British officers down the Chesapeake he wrote to John Randolph that they seemed to

him "illiberal, ignorant and vulgar and filled with a spirit of malignity against everything American." Then, with typical apology for such harsh judgment, he added: "Perhaps, however, I saw them in unfavorable circumstances"! He was never arrogant. Despite wealth and cavalier ancestry he was modest. From a long line of Keys, all of whom had been of assured social position, respectable and thrifty, he had inherited more than lands and merchandise. His great-grandfather, founder of the family in America, had been infinitely more devout than the rotten clergy which the dissolute last Lord Baltimore had sent out to preach to him in Maryland.

Great-grandfather Philip Key, who came to Maryland in 1726, arrived just as the baronial character of the colony was becoming fixed. In southern Maryland, where his first land grant lay, his neighbors were already beginning to take an active interest in politics and litigation which required visits to the gay little capital at Annapolis. Some of them built pretentious town houses with the surplus funds which it never occurred to them to spend on useful equipment for the development of their estates. Indeed, such improvements as plumbing, roads and stoves, had they been perfected, were not necessities. Servants were plentiful. Travel was entirely by horseback and sloop. The ornamentation of the better manor houses equaled anything of the kind in England.

Philip Key wasted precious little time with his neighbors either at fox-hunting, attending horseraces, or cockfights. He was a bachelor of thirty, already wealthy, but ambitious. His parents, Richard and Mary Key of Covent Garden, London, had supported him in the Temple. They had assisted him in securing from Lord Baltimore his beautifully located plantation along the Wicomico.

His brother Henry, who had accompanied him, died young and unmarried. Philip had also brought with him a relation of a poet laureate of England, a luckless Dryden who is buried on Blakiston's Island in the Potomac. This connection with a laureate is of interest only because Philip Key was himself descended from an early poet laureate of England, John Key, a versifier of the fifteenth century who called himself "humble poet laureate to his Majesty Edward IV." This John Key's coat of arms was like that of Philip Key—Arms: *argent*, two bendlets; crest: a griffin's head erased *argent*, holding in its beak a key *or*. Philip Key, however, seldom employed the heraldic device, and it has been preserved only on a few pieces of silver and parchment. His chief ostentation was his residence, Bushwood Lodge, which exceeded in magnificence the great house of his elegant neighbor, Robert Slye of St. Clement's Manor.

Bushwood Lodge, completed in 1730, dominated a typical tidewater plantation. It was burned down more than a century ago, but at Chaptico a chapel built by Philip Key still stands. There is evidence that he was a public-spirited, pious, reserved and capable man. He married a woman named Susannah Gardner and by her had seven children. Upon her death he married Theodosia Barton; although she bore him no children she has, to the confusion of genealogists, bequeathed the name of Barton to many subsequent generations of Keys.

In October, 1750, Philip Key patented Terra Rubra, 1,685 acres, later enlarged to 2,790 acres, in the redlands of what is now Carroll County but which then lay in Frederick County.

Terra Rubra was the country seat of Philip's great-grandson Francis Scott Key all his life.

Philip's son Francis married Ann Arnold Ross, daughter of

## TERRA RUBRA

John Ross, an important official of the land office and proprietor of the estate which is still known as Belvoir, outside Annapolis. Francis Key, an industrious executive, at one time managed both Bushwood and Belvoir and in addition superintended the clearing, stocking and building of mansions on an estate in Cecil County, as well as on Terra Rubra in the distant hills of Frederick County. He had three children: his eldest, John Ross Key, was Francis Scott Key's father; his second son, Philip Barton Key, became the law instructor and partner of Francis Scott Key; his daughter was Elizabeth Scott Key.

Mrs. Francis Key, the grandmother of Francis Scott Key, was blind as a result of a fire from which she had attempted to rescue two of her father's slaves. She was a patient, educated woman with a remarkably sweet voice, and in his lengthy sojourns with her at Belvoir Francis Scott Key as a child absorbed many of her mannerisms. She seldom visited Terra Rubra, for although Francis Key maintained a coach he usually rode on horseback when he visited Frederick County. Terra Rubra could not be reached by boat. It was situated between the Monocacy River and its tributary, Big Pipe Creek, five miles from the mouth of Double Pipe Creek.

By 1770, when the great white-plastered mansion with two-story columns was completed at Terra Rubra, John Ross Key, for whom the estate was being prepared, was sixteen years old. Under his father's keen direction he saw almost a thousand acres cleared by hand. Scores of slaves and white men burned the forests, fenced the fields, and erected stables, barns, and slave quarters. They dug wells, straightened boundaries, and located the best fords across the creeks. They hewed a lane through the forest to the north-south trail from Philadelphia to Williamsburg. All this was done fifty miles from tidewater,

before a single bridge existed across the network of streams between Annapolis and Frederick.

The manor was not without neighbors. Normand Bruce had already built the quaint little white house which still stands overlooking the creek at Bruceville. Across the Monocacy many Germans from Pennsylvania had begun to till small clearings which had been partitioned from larger grants. Francis Key employed many of these simple neighbors. He cultivated the friendship of plain farmers near-by on Piney Creek, Tom's Creek, and Pipe Creek, most of whom lived in rude log cabins which they had built with their own hands. Before Francis Key was born, before indeed his father was married, Terra Rubra was known as a friendly, hospitable great house; and so it remained until it blew down in a storm of the 1850's, after Francis Scott Key's death.

Francis Key sent his younger son, Philip Barton Key, off to England to school. John Ross Key, being the eldest, remained at home to manage the estate; and in Annapolis and at Belvoir he enjoyed the advantage of a tutor, of books, music, and good society. One room at Terra Rubra, adjoining the offices in the wing, was early set aside as a library.

By 1775, when John Ross Key was twenty-one, it was obvious that armed rebellion against England was inevitable. For ten years, since the first stamp-tax protest meeting at Frederick, Thomas Johnson and John Hanson had been presiding over committees and corresponding with men in other colonies. In his teens John Ross Key had attended meetings with farmers at Taneytown and had been on the side lines of committees in Frederick. That town, seat of justice for the county, at the gateway to the Blue Ridge, was a natural trading center and the most central meeting place in all western Maryland.

John Ross Key, before enlisting in the army, married Ann Phoebe Penn Dagworthy Charlton, of an excellent family, well educated and beautiful. She at once dominated Terra Rubra household with her personality. She instituted the custom of evening devotional service in the slave quarters. She read to the Negroes from the Bible, introduced them to the hymnal, and taught some of them to read and write. John Ross Key, a rubicund young squire, soft-spoken and easy-going, addressed the slaves each Sunday morning. With scores of household servants and field hands, this concern for their morals may unconsciously have been prompted by a desire for peaceful contentment. Except for constant guests and several white overseers, young John Ross Key and his bride dwelt in the center of a black colony as outnumbered by Negroes as if they had suddenly moved to an African village.

They went to Frederick and Annapolis, never to Philadelphia, for their Madeira, their money, their ribbons, utensils, gunpowder and chinaware. They were Southern planters, although they lived only a little more than ten miles from that line which Mason and Dixon a few years before had surveyed—the line between North and South. On a clear day, from the slave quarters at the rear, two dim blue knolls could be seen to the north, Big Round Top and Little Round Top at Gettysburg—but in 1775 Gettysburg was as remote to the Keys as Patagonia.

Once a year a caravan left for tidewater, laden with corn, wheat, flax, buckwheat, and tobacco; the carts came slowly homeward, collecting the gray dust of other counties, with wine, brandy, books, lace, rugs, fish, and hardware, sometimes with better tobacco than the redlands produced. Maryland tobacco, particularly that of the redlands, was vile and bitter,

of the variety which gave the name of Mundungus to the last Lord Baltimore, dissolute Frederick Calvert, when he proffered a taste of it to Sterne on his "Sentimental Journey" in Italy.

When John Ross Key went to Frederick to enlist it must be supposed that his wife went to Annapolis. Hearing that Washington was certain to be nominated commander-in-chief of the Continental Army, and that plowboys and trappers were volunteering to fight under Cresap, John Ross Key filled his flask from the spring, rode to Frederick, and, on June 21, 1775, heard read a letter from John Hanson at Philadelphia representing that two companies of expert riflemen were required to join the army at Boston, "to be there employed as light infantrymen."

This was four years before Francis Scott Key was born. John Ross Key volunteered, departed for Boston as a second lieutenant, marching the 520 miles in 22 days without the loss of a man. At Boston the mountain rifles, tomahawks, leather hunting shirts, and moccasins of these Frederick fighters, the first soldiers from the South to reach New England, gave a reassuring preview of the famous Maryland line. They bring to mind a passage that Vachel Lindsay once wrote: "Only a poet working long before, writing in blood and not in ink, could have made such a poem as 'The Star Spangled Banner' possible. It was written years after Washington's death. It was dreamed by Washington the silent, on horseback, about 1776. . . ."

To George Washington's dream, four days after Bunker Hill, John Ross Key was a contributor.

With his rude mountain men he did good service. He was promoted to a first-lieutenancy and in the following year was transferred to Stephenson's Maryland Rifle Battalion. The War Department historical record of officers of the Continental Army

does not give John Ross Key's record beyond 1776. He may have been captured and paroled by Knyphausen at Fort Washington in November, 1776, or he may have escaped, as many of his company did, by boat. Long leaves of absence were not unusual during the Revolution. There is reason to believe that from 1777 to 1781, when we find John Ross Key commanding dragoons in Virginia, he returned to Terra Rubra to devote his time to the management of the land.

His brother, Philip Barton Key, who had been studying law, had joined the British army at Philadelphia and had become an officer of a Maryland Loyalist regiment. John Ross Key had demonstrated his unselfish affection for this only brother by dividing with him his estate—inherited entire on the death of Francis Key by the law of primogeniture. Now, with shock and surprise, John Ross Key saw that entire gift seized and sold by the state government when Philip Barton Key was outlawed as a traitor to his country.

There is no record of communication between the two brothers—Francis Scott Key's father and uncle—during this war-time estrangement, but certainly there existed no personal animosity. After the peace John Ross Key again divided his property with Philip Barton Key, thus quartering his original fortune for the benefit of his brother.

In this period when John Ross Key was home from the war, sending wagonloads of corn and wheat to substitute for his presence in the army, his only son, Francis Scott Key, and his only daughter, Ann Phoebe Charlton Key, were born. The dates of the births of both children are in question. There is evidence that Ann was older than Francis Scott, for descendants of the family say that "he always looked up to her." We shall never, of a certainty, know whether Francis Scott Key was

born on August 1, 1779, or August 9, 1780, although the weightiest evidence indicates the 1779 date. His matriculation at college, the word of several of his contemporaries, and the obituaries at the time of his death support 1779. The records of some branches of his family, in no case direct records, give the date as August 9, 1780. Despite the frequency of this 1780 date on the monuments erected years after Key's death, 1779 is more generally accepted by his descendants, particularly those, like the Howards, who have investigated beyond family hearsay.

We know that John Ross Key was at Terra Rubra the entire year of 1779. On November 17 of that year he was appointed justice of the peace by council. Also, in that year, he acted as executor of the will of John Ross, by which he, Philip Barton Key, and their sister Elizabeth inherited property, including a slave each, the offspring of John Ross's Negroes, Ned and Nan. The coexecutor of the will, Dr. Upton Scott, with whom Francis Scott Key was to live while a student at St. John's College, fled to Ireland as a Tory refugee. They were beginning to hang Tories in Maryland, and in Frederick a little later several Loyalists were actually drawn and quartered by order of the court.

Old residents, near Keysville, still maintain that they have heard on good authority that Francis Scott Key was born outdoors. Perhaps that explains the confusion which prevented a registration of his birth. He was christened, date unknown, by the Reformed minister at Frederick, the Reverend Henop, no Anglican clergyman being near-by.

When the child was two years old John Ross Key reëntered the army to fight against Arnold and Cornwallis in Virginia. In command of a troop of light dragoons from Frederick, he was driven back by Cornwallis and crossed the Potomac, whereupon he wrote to the governor:

"Sir: I have the honor and satisfaction to inform your Excellency that the Frederick Co. Troop of Horse under my Command are now on their rout [sic] to George Town, where I expect to arrive this evening [June 10, 1781]. We are tolerably well mounted and equipped, and with pleasure assure you I find a Desire and Anxiety prevails among the men that compose the Troop to render every service in their power to their Country, and wish to join the acting Army should your Excellency think it necessary."

His Excellency thought it necessary. They recrossed the Potomac and joined Lafayette on July 6.

At the siege of Yorktown Key and Henry Williams, a close friend from Emmitsburg, fought with Lafayette, on one occasion exchanging columns with him. Lafayette, in complimentary command of Williams's column, which was ordered to take a bastion at the same time that a French column was ordered to attack, was much amused by one of Williams's sergeants, named Curran, who shouted at him, "Hurry, sir; those damned Frenchmen will get in there before us yet!"

Years later, when Francis Scott Key was the leading lawyer in Maryland, he would never accept a fee from these old soldiers who had fought alongside his father and Henry Williams. They were the heroes of his childhood. They called him Frankie before he could talk. They stopped in at Terra Rubra on their way home from the war to see the new baby. They called him Frankie Key as long as he lived.

Before Frankie was six his mother had taught him to read, to take his place at family prayers, to recite the usual juvenile poems. On visits to blind Grandmother Key at Belvoir, he read to her from the Bible. His gentle, oval face, golden curls,

and wide blue eyes gave him an angelic appearance, and at this time he is said to have looked as feminine as his sister.

His childhood, with Ann, was beautiful and happy. At Terra Rubra, with its terraced gardens, its great portico, its paved courtyard, with upper and lower porches between the long wings at the rear, there was no lack of playgrounds indoors and out. There were sunny paths and shady lanes, brooks, trees, pets and flowers. At an early age good books came to the boy's hand; his mother sang him songs and told him stories. His father often brought home guests from Frederick or Annapolis, with children; grooms, valets and maids. On frosty autumn mornings men gathered at the kennels and awaited their Madeira before the foxhounds were freed for the chase.

John Ross Key took his young son boating on Big Pipe Creek, and on spring picnics young Frank watched his father whip for trout in mountain streams along which Washington and Braddock had bivouacked.

Francis Scott Key was six when Uncle Philip Barton Key, the erstwhile Tory, forgiven by his family and pardoned by the government, came home from England. It was a gala day. Uncle Philip, whom he had never seen, the prodigal brother of his father, had already visited in southern Maryland and arranged to read law with Mr. Duvall (later a member of the Supreme Court). He had studied in the Middle Temple in London and wanted only coaching in the new law of Maryland. Despite his English airs, his penchant for poetry, his romantic superiority, and his elegant tailoring, Uncle Philip was an exceedingly practical man. More than anyone else he influenced Francis Scott Key's choice of a career and dominated his education. He accepted John Ross Key's offer of a competent estate, moved to Leonardtown near Bushwood, and by the time

Francis Scott Key entered St. John's at Annapolis Uncle Philip was a leader of the Maryland bar.

Young Frank did not fail to observe his father's generosity to his brother. He was profoundly affected by it. He had reason constantly to believe his father the most generous and tolerant man on earth. Old soldiers in rough clothing were invited to sit at the family table; passing strangers on the north-south highway had only to meet John Ross Key to avoid a dreary night in the log-cabin inn which Adam Good maintained at Taneytown; Normand Bruce, across the creek, once suggested that he desired a mill site and thereby secured an exchange of his bare hills for a portion of rich Terra Rubra bottom land.

As time ran on and young Key reached the age of seven or eight he and his sister began the rounds of visiting their relatives at Bushwood, Runnymede, or Belvoir. At Belvoir his grandmother hired a private instructor for him. At home he had been taught by his father and mother, a custom which he retained with his own children years later. At Terra Rubra he learned to ride, shoot, and fish; he knew the names of the ranges of the Blue Ridge to the west end of the streams that flowed into the Monocacy. He was, till the age of ten, reared to be a country squire.

Then, away from home, his intermittent formal schooling began at first with tutors at Belvoir, later in the preparatory school at Annapolis before he entered St. John's College.

His father had received a good education from private instructors, was versed in the classics and knew some Latin. John Ross Key's experience as a justice of the peace gave him enough legal background for admittance to the bar and appointment to the circuit bench in 1791, as associate judge of the district

including Frederick, Washington, and Allegany counties. When he sat in the western counties Mrs. Key and the children sometimes went to Annapolis. The coach in which they negotiated the rough road, at a time when there were not more than six dozen coaches in all Maryland, was a substantial vehicle driven by a man with a pistol in his belt. Some of the local gentry affected a veritable ducal guard of black outriders; but the Keys seem never to have gone in for showy equipages.

For Frank and Ann Key Annapolis meant a new world and new delicacies—crabs, oysters, flounders, and, because of the sandy Anne Arundel County soil, the finest strawberries, melons, and yams imaginable. Tidewater brought colorful pastimes. Men still sailed from manor to manor instead of riding horseback. "Rolling roads" (for trundling tobacco hogsheads to the wharves, after which the horse was detached from the sapling shafts of the hogshead and served on the return to the plantation as a saddle horse, unencumbered by a vehicle) were more common than highways. The children were thrown into an older and more elegant society. At Belvoir no mountaineer trappers and soldiers gave a rustic note to the scene. There were only formal old folks, men who wore their wigs well powdered—and hundreds of slaves. In Annapolis, any fine day, Mrs. Key could point out to her children Signers of the Declaration of Independence, the governor, and statesmen, often none too sober, in town for legislation or cock-fighting.

Grandmother Key at Belvoir, very pious, somewhat haughty, rather alarmed at the democratic tastes and language of her young redlands visitor, taught Francis Scott Key formal prayers and took him regularly to High Church. She conveyed to him some of the qualities which had resulted from her blindness:

patience; meticulous enunciation; lack of gesticulation. Although he was naturally demonstrative he curbed his impulsiveness. In later years when a gesture or a dramatic grimace punctuated his words it was particularly expressive. It sprang from a face and body trained to poise and quietness by the blind mistress of Belvoir.

By the summer of 1791, when Francis Scott Key was twelve, he was keen enough a horseman to ride all the way home to Pipe Creek, at least eighty miles. In July of that year he was at Terra Rubra on the day that President Washington, on the way to the capital at Philadelphia, stopped at the home of John Ross Key and made a speech from the portico. Washington's diary says he lay at Taneytown that night; so he cannot, as conflicting local tradition has it, have spent the night at Terra Rubra. The story that he tarried there longer than he expected because of a thundershower seems more likely, for electrical storms come over the Blue Ridge into that valley with amazing frequency.

Whatever the weather, we know that Washington's visit was scheduled. Neighbors came from miles around. Old Tom's Creek Fighting Cocks, carrying their long rifles, wearing their leather jackets, and with cockades in their caps, swung down the road like tattered ghosts of the past. Dragoons, drummers, fifers, and officers formed to meet the president's procession. Washington came on horseback; it is said that Mrs. Washington followed in the coach. The escort included Thomas Johnson, who had saved the reputation of Virginia for modesty by nominating Washington commander-in-chief of the Continental Army, and Thomas Sim Lee.

Then, a never-forgotten moment, President Washington stood on the portico of Terra Rubra, where Frank Key always sat

with his sister to watch the sun go down, and looked into the honest, ruddy faces of John Ross Key's old riflemen comrades. Tears swam in his eyes. He spoke briefly, saying:

"My countrymen, I am about to leave your good land, your beautiful valleys, your refreshing streams and the blue hills of Maryland which stretch before me. I cannot leave you, fellow citizens, without thanking you again and again for the true and devoted friendship you have shown me. When in the darkest hours of the Revolution, of doubt and gloom, the succor and support I received from the people of Frederick County always cheered me. It always woke a responsive echo in my heart. I feel the emotion of gratitude beating in my heart—my heart is too full to say more—God bless you all. . . ."

It must be supposed that the son of Terra Rubra's master passed Madeira to the president. Then the tray went round to farmers and gentry alike, to men in faded regimentals and to lieutenants festooned with new braid and epaulettes. Young Key saw his father, a proud host, mount his best horse and ride with the escort as far as Taneytown, five miles away.

Riding off of a July evening, with the sweet, moist smell of a summer shower in the fields, George Washington cannot have failed to discuss the farming at Terra Rubra. There had recently been a great discussion of the first cargo of guano received at Baltimore; and redlands farmers, the butt of many jokes by men who ridiculed the brick-red soil, had to impress skeptics with a view of their abundant yields. Even in a poor year, however, Charles Carroll of Carrollton said that his red Monocacy River land supported his southern Maryland plantations.

In the next few years, before he entered college, Francis

Scott Key and his sister, growing up together at Terra Rubra, enjoyed their brightest days. In a verse written for Ann years afterward, Key said:

Those sunny paths were all our own,  
And you and I were there alone.

So pleasant were those summers that he dreaded the day when he must "to the far school haste away." His father and mother, having no need to discipline these quiet children, were indulgent, affectionate, and hospitable to their children's friends. No child ever came from a happier home. Long after he left Terra Rubra—to college, to read law, to marry—Francis Scott Key considered it his home, himself a redlands man. It was throughout his life his summer sanctuary. But he was never the accomplished farmer that his father was. His father, it must be suggested, was not the agricultural pioneer that Grandfather Francis Key had been.

It is not inconceivable that Uncle Philip, who had acquired the English sportsman's point of view that the country is but the scene of a gentleman's chief diversions, contributed to the decay of Terra Rubra as a farm. He lured young Key from the ancestral acres to a career in the city. Philip Barton Key, who never in his life thought seriously of hail and drought and early frost, early inspired in Francis Scott Key an ambition to excel in a field larger than that of a popular country squire. He made Key a city man rather than a country man, but he never thoroughly succeeded. Key, all his life, retained the unostentatious simplicity which he had early acquired by the hospitable hearth of Terra Rubra, from his father and his mother, and their industrious Frederick County neighbors.

## UNCLE PHILIP

In 1793, when Francis Scott Key matriculated as a full-fledged student at St. John's College, Philip Barton Key, the forgiven Tory, was dazzling the Annapolis bar with his brilliance. He pleaded in both prose and rhyme. He had become a haughty Federalist but he knew the value of hearty affability. Neither so profound as Luther Martin, the drunken genius, nor so rhetorical as William Pinkney, the perfect orator, he ranked with those two ornaments of the bar in the generation which succeeded the British-trained Bordleys, Carrolls, Taskers, Tilghmans, Dulaneys and Jenningses.

His influence on his young nephew was cumulative, and it is impossible to present specific, dramatic examples of Philip Barton Key's direction of the youth toward the study of law. Hence we give a brief glimpse of the personality and accomplishments of the man; it is needless to point out how they attracted Francis nor to what extent they impressed the entire family.

Philip Barton Key had been a stormy, erratic younger son. His career as a Loyalist acquaints us with an aspect of the time that has been little studied—the return of a homing exile who adapted himself, with extraordinary opportunism, to the new country he found when his flight ended. Many, embittered by the confiscation of their property, never came back. Assured of a wealthy brother's support, Philip Barton Key returned as dramatically as possible, an avowed prodigal. When in 1790 he married Anne Plater, whose father was elected governor of Maryland in the fall, he insisted that the wedding take place on the Fourth of July. Only twelve years before these patriotic nuptials he had been an enemy captain in a Loyalist regiment.

His military record is sketchy. At the time of the siege of Yorktown he requested a transfer to a Jamaica garrison. It is not impossible that the then obvious outcome of the war, as well as a disinclination to fight against an army in which his own brother was an officer, motivated this action. Later, captured in Florida, he was paroled and retired at the age of twenty-six on half pay in England. The war over and a half-pay pension very small, he sailed to Maryland. Penniless and abashed, he lived on the bounty of Francis Scott Key's father.

His success as a lawyer indicates that he merited the financial assistance his brother twice gave him. After reading law with Judge Duvall in Annapolis he hung out his shingle in Leonardtown, but soon moved to Annapolis, where his ability won him wealth and a great reputation. By 1794 he was elected as a Federalist member of the legislature. He, who had been a prodigal wanderer, belonged to the party of wealth, aristocracy and privilege; his brother, Francis Scott Key's father, who had always been master of a fortune, was in 1796 to cast his vote with the Jeffersonian Republicans—the democrats.

When, in the general assembly of 1797, Michael Taney, a delegate from Calvert County and father of Roger Brooke Taney, moved "to abolish all that part of the government which requires property as a qualification for voters or office," Philip Barton Key, who had *not* always been a man of property, opposed it. He and his supporters proposed facetious amendments to enfranchise women, children, and Negroes. But Michael Taney's liberal measure passed—just as, years later, Roger Brooke Taney's measure to enfranchise the Jews of Maryland succeeded.

Philip Barton Key, with foresight, early anticipated the advantage which Supreme Court practice offered. He was the

first prominent lawyer to settle deliberately in the District of Columbia. He was employed by crotchety, conceited Dr. Thornton of the Capitol Commission to recover the Capitol plans from the disgruntled architect, Hallet, who, when Thornton's plans were adopted, would not surrender his copy of the drawings. As attorney for the commissioners he was a founder and developer of the city. He did not move permanently to Washington until about 1801, the year in which Francis Scott Key was gaining his first experience as a lawyer in Frederick. Then, securing a portion of an estate called Pretty Prospects from Uriah Forrest, his brother-in-law by marriage, he named his 250 acres Woodley, after an old Key country seat in England. He built on it the fine mansion, in 1934 owned by ex-Secretary of State Stimson and still called Woodley. From the rear portico of Woodley's previous mansion George Washington is said to have selected the site for the federal district. Woodley, still one of the loveliest great houses of Washington, later served as the summer home of Presidents Van Buren, Buchanan, and Cleveland.

When Uncle Philip was elected to Congress in 1806 he was the only member of either house who owned the home he occupied in the District. His election was contested at the time, not on the grounds that he was not a resident of Maryland but that he was not a citizen of the United States; he said, "I returned to my country like a prodigal to his father, felt as an American should feel, was received and forgiven, of which the most convincing proof is my election."

Such was the dynamic and ambitious man who from Francis Scott Key's earliest school days watched over the lad with zeal and affection.

At St. John's College Key was under Uncle Philip's supervision. It was the uncle who restrained the older relatives from their coddling. Educated in the English style, far removed from doting female relations, it pained him to see a child reared softly.

### ST. JOHN'S

When Francis Scott Key entered St. John's there was little dormitory space. He lived with his great-aunt, Mrs. Upton Scott, a sister of his blind Grandmother Key, in a house on Shipwright Street; this, still standing, is said to be the residence of Richard Carvel's grandfather in Winston Churchill's famous Annapolis romance. Dr. Scott, who had come to Maryland as personal physician to Royal Governor Sharpe, had fled to Ireland during the Revolution when Tories were outlawed. In Dublin he indulged freely in claret, returned after the peace to complain of his gout, to practice medicine, and to grow in his greenhouse a great variety of exotic flowers and herbs.

As a youthful student in the Scott house Key was not permitted to sit up late at night with the doctor's convivial guests, mostly medical men and amateur botanists whose society the doctor particularly enjoyed. He rose early, ate a fish breakfast, and usually ran the quarter mile to the college grounds. He returned in the evening to sup and retire to his room. While the doctor and Mrs. Scott entertained their guests he pored over his Latin and Greek, arithmetic and ethics. He neatly transcribed all his lessons, copying and recopying. One sheet of paper, in his youthful hand, recently came to light—a composition entitled "Chrysostom on Job," not yet edited into the final form in which it has appeared in print among Key's preserved writ-

ings. This youthful essay concludes with a sentence no less characteristic of Key in youth than in old age: "A cold and brutish philosophy would have disgraced the character of Job."

Half student, half elf, to Mrs. Scott, who had no children of her own, he was a fascinating guest. After her discovery that he delighted in making speeches and leading prayers, Mrs. Scott often invited him to the stair landing to read prayers while the doctor and his guests were at dinner. No matter how many pompous philosophers sat around the board, nor how many empty bottles the black butler carried to the pantry, little Frank Key—even when he was nearing sixteen—was called to the stairway from his room above to read evening Scripture. He appeared in his long white nightgown, his light curls tumbling over his face, very like an angel. In capricious moods he playfully improvised special prayers for the benefit of conspicuously worldly guests.

Only the frequent society of Uncle Philip, fresh from fox-hunting, the hustings, or the courts, saved him from becoming completely an old ladies' darling. Mrs. Scott rode with him to Belvoir to visit Grandmother Key. In "touching and persuasive" narratives he told her what he was learning at St. John's. He "revered" his instructors, he reported, and toward Headmaster McDowell he felt sentiments absolutely filial.

It is not difficult to imagine Key's college days, despite the meager records, for St. John's has changed very little in the century and a third since he attended it. The main building, now called McDowell Hall, was the main building then. It was often called Bladen's Folly because, designed for Royal Governor Bladen, it had stood for a generation unfinished and roofless until after the Revolution the legislature rechartered the old King Williams's School as St. John's and moved it into

the building. The board of trustees included a Presbyterian and a Catholic as well as Episcopalians, a distinct novelty in liberal education at the time.

From the main hall the student could see the graceful white dome of the state house where Washington had resigned his commission. On the streets of Annapolis he met and talked with such eminent citizens as Charles Carroll of Carrollton, and Samuel Chase, the Signer, already growing fat and red-faced and tempting the young barristers of the town to call him Old Bacon Face.

As time ran on he evidently became aware of the disadvantage of seeming a protégé of female relations. He strove to appear as often as possible in the company of Uncle Philip. He brushed his curls flatter and flatter to his head. He attempted feats of daring on the college grounds. Once he mounted the back of a passing drover's steer and clung to the furious animal till it tossed him off in the shadow of the Liberty Tree, which, still surviving by grace of tree surgeons, is considered one of the great souvenirs of colonial Annapolis. Beneath the branches of that giant tulip poplar treaties had been signed with Indians and stamp-tax protests had been spoken. There St. John's classes met on balmy spring days. It was venerable then as now. Thirty years after graduation Key said in an appeal to the legislature for funds for the college, "I sat down on those mouldering steps 'neath the shadows of that Aged Tree that like me seemed to lament its lost companions."

We know little of his scholastic record except that he was a favorite of Headmaster McDowell and that his class was called, by the Latin instructor, the Tenth Legion. Key once said of McDowell, when speaking of his graduation from college, "I received the parting benediction of that beloved and ven-

erated man who ruled the institution not more by force of authority than affection."

The studious boys of the class of 1796, the Tenth Legion, were evidently not so roistering as George Washington Parke Custis, whom Washington placed in the school a few years later with the admonition of Dr. McDowell, "Visitations of the families in Annapolis, when carried to excess, tend to divert his mind from study and lead his thoughts to very different objects."

Key's visits in the town were largely to members of his family and to two particular schoolmates, Daniel Murray and John Shaw. Key had begun to scribble doggerel. Shaw, the poet of the class, who lived in the quaint old Dutch house opposite the state house, recited his own lyrics and criticized Key's. Poor Shaw, some of whose verses were published, died young while serving as a naval surgeon at sea. Daniel Murray, who later was an unsuccessful rival for the hand of Mary Tayloe Lloyd, remained Key's friend all his life.

The list of his other classmates in the college register reveals that of the nineteen Key was easily the most distinguished in later life. William Cooke became a United States senator, Washington Van Bibber a member of Congress. Many of the others, scions of old Maryland families—Tilghmans, Ridgleys, Tylers and Lees—achieved local fame as judges, bankers and planters.

Key's career after college was cut out for him. Already he had read much in Uncle Philip's law library. He knew the constitutions of the United States and of Maryland. He had sat in the gallery when the legislature was in session. When he suggested that he might like to enter a theological seminary he was promptly reminded of the useful career the law afforded.

At this time, when some of his friends began to study for the ministry, he envied them. But he directed his studies toward the law.

He thoroughly embarrassed Uncle Philip with his curiosity about politics and government. Uncle Philip did not make a Federalist of him. In the summer of his graduation, when only seventeen years old, he campaigned for the Republican electors in Frederick County. He rode with his father on the hustings, denouncing Hamilton and John Adams; he favored the political beliefs of Thomas Jefferson.

In the fall of 1796, when he returned from Terra Rubra to Annapolis to read law, he found himself almost the only member of fashionable tidewater society—except William Pinkney, just departed for England—who was not an outright Federalist.

### THE LAW

He did not welcome the return to Annapolis to study law. The summer along Pipe Creek was wholly enjoyable. Again he roved the fields and lanes with his sister, enjoyed

The mountain top, the meadow plain,  
The winding creek, the shaded lane.

Ann Key was a devoted sister and good company. Both of the children seem to have inherited from their mother a wistful, dreamy quality that John Ross Key, a stout squire, did not possess. They sat by the spring house, beneath the towering oaks, writing poetry by the hour, talking over the parties they would give before young Key returned to Annapolis. Their conversation more than once turned to the subject of slavery. From their cool bower they could see, far across the fields, Negroes

toiling in the sun. With the superior wisdom of a college graduate who had kept abreast of the French Revolution, Francis prophesied that they would see the day when slavery would be abolished. When his sister asked him what the Negroes would do when free he replied that they would probably prefer to go home to Africa.

In the rear courtyard of Terra Rubra, between the two wings which extended almost seventy-five feet northward, the Key Negroes, famous for their hymn-singing, assembled at night for a few words from their young master. Then slavery seemed more natural. It was at once pathetic and comic to hear them sing, to answer the naïve questions they put about God. They were excessively proud of their educated young master and supposed that he knew everything in the world. They used to race across the field to greet him on his home-comings, anxious to ask curious questions which they had been formulating for weeks.

During this summer of 1796, while off with his father campaigning for Mr. Jefferson's electors, young Key let his hair grow to his shoulders like an elder statesman. He had his first taste of political debate. In the neighborhood of Frederick father and son grew saddle-weary, and they visited Mrs. Key's cousin, Arthur Shaaf, a young lawyer who lived in bachelor comfort at his Arcadia estate.

Key desired to tarry in Frederick County. He had been homesick more than once in Annapolis; now, after a care-free summer, nostalgia would trouble him in musty court rooms. But after the autumn fox-hunting he was compelled to ride to Annapolis. Uncle Philip was impatient. Sad was the parting with his sister. Before he mounted his horse, with saddlebags and luggage strapped to pommel and cantle, he borrowed from

his mother her diamond ring and inscribed in a windowpane the initials of the entire Key family, including Philip Barton Key and his children. It was a symbol of family solidarity despite political differences which always divided the redlands Keys from the tidewater Keys. In a windowpane of Uncle Philip's mansion on Woodley he later etched the same set of initials.

An only son, it would have been natural for Key to remain at home. He could have read law with Arthur Shaaf in near-by Frederick and he actually considered doing so. He aspired to be like his father, an ideal sort of man, a justice of the peace "who showed his neighbors what a blessing a benevolent, religious man was." However, John Ross Key observed that a justice of the peace, or even a circuit judge like himself, was occupied with petty matters, unworthy of anyone except a "retired patriot." His court duties were restricted to cases involving less than £1 Maryland currency (\$2.66). With the exception of Arthur Shaaf and several older men the local lawyers were for the most part ignorant upstart sons of overseers, who sat in the court room drooling tobacco juice into the spittoons at their feet. Francis could learn little from them. Uncle Philip was absolutely right. The general court at Annapolis, where great legal minds foregathered, was the only place for a young man to study law in Maryland. The Frederick bar would be improved by the law students of the future.

Philip Barton Key had already made arrangements with an old friend of the family, Judge Jeremiah Townley Chase of the general court, for Francis to study in his office. He must learn both sides of the bench. So in the course of the year Key presented himself to Judge Chase.

The judge, who had been a member of the Continental Con-

gress, at once introduced the tyro to the other students in his chambers. Then, drawing on his red robe of office and beckoning the students to follow with their arms full of law books, the judge walked to the old court building, ascended to a platform, and seated himself between the two other judges. Key's law-student days had begun.

He soon learned that the judge expected the students to anticipate his decisions. Jeremiah Chase peppered them with questions, taxed their knowledge of Latin, made their heads swim with precedents. Of the twenty to thirty law students in Annapolis Chase attracted the very cream and often employed a half dozen. He took particular pains with young Key for he knew that Philip Barton Key would constantly check up on what the lad was learning.

Among the youths in Judge Chase's office Key met Roger Brooke Taney, a tall, lean, reserved young man, recently graduated from Dickinson College at Carlisle, Pennsylvania. Taney had been valedictorian of his class. He was a Catholic, the son of a Federalist member of the Maryland legislature. He came from Calvert County, along the Patuxent (near the very spot where in 1814 the British fleet was to anchor). Taney became Key's intimate friend. From him for the first time Key learned that Catholics in Maryland had not been enfranchised till after the state constitution was adopted; that Charles Carroll of Carrollton, while a member of the Continental Congress, had been ineligible for colonial office.

Key and Taney each came from a remote plantation. During his years at college Taney had visited his home only once, and then he had walked as far as Baltimore, a distance of eighty miles. The Taney plantation, almost surrounded by tidal rivers, depended entirely upon boats for communication with

the outside world. In the fall before coming to Annapolis Taney had entertained his youthful friends, from whom he had been separated while at school, with a fine season behind the Taney pack of foxhounds. He was still enthusiastic about the hearty breakfasts before the meets, the eggnog bowl never empty, the gay evenings discussing the days' runs. It was strange to see this apparently delicate youth become animated about a wild *halloo*, but for all his scholarly mien and frail figure Taney was a keen horseman.

Horses the two youths had in common, but little else. Reared in the society of Frederick and Annapolis, Key had never belonged to a criticized religion. Taney was a meticulous student; Key was careless and impulsive. Taney was a Federalist; Key a Democrat-Republican. Taney, although he went almost daily to kneel a moment in the church, did not regard a drink of whisky or a small wager as self-indulgence; Key did. Taney was a determined young man; Key was vacillating, scarcely knew whether or not he would practice law when he had finished studying.

Key, living with Uncle Philip, often remained till late at night in Taney's lodgings with Taney and Taney's roommate, William Carmichael. They talked of the future. Carmichael was the first of the trio to achieve his ambition; he said that when he came into his inheritance he would become a great country squire and so he did.

In the study of law Key profited by his association with Uncle Philip. Taney, trained entirely by the judge, once said that he was so ill prepared for the attorney's point of view when he was admitted to the bar that he barely knew how to enter a plea. Many times, puzzled by petty legal routine, he had to fall back on Comyn's "Digest," Bacon's "Abridgment,"

Viner's "Abridgment" and Lilly's "Entries." Key, besides Uncle Philip, had an invaluable relation in Arthur Shaaf, a generous man who later stood both him and Taney in good stead during their first cases at Frederick.

The tradition of the Annapolis bar was learned and elegant. Elaborate expression vied with near logic and rhetoric. The colonial barristers, most of whom had studied in the British Inns, had been followed by two men of unusual attainments—Luther Martin and William Pinkney, who were often associated with Philip Barton Key.

Pinkney, the son of a Tory family and the protégé of Samuel (Bacon Face) Chase, had impressed all the young law students with his perfect wardrobe, his debonair manner, his beautiful sentence construction, and his masterful logic. He had gone to England when Key began to study law, but while in college Key had heard him; Taney, too, had studied his methods. They agreed that his brilliant speeches did not read well when written down on paper. Nevertheless, they more than once attempted to imitate his ornate language and his annoyingly affected style of delivery.

Martin was inimitable. Attorney-general of Maryland during Key's student days, he was a great lawyer, a self-made man, a drunkard, always in debt, crude, repulsive, and as late as 1800 displayed *dirty* lace ruffs and cuffs, though ruffs had long been out of fashion. He sometimes talked like a field hand, deliberately saying, according to Taney, "cotch" for "catch," and "sot" for "sat." Taney was misled by Martin's debauched character and never shared Key's appreciation of Martin's profound knowledge of the law, of Martin's bravery in accepting the office of attorney-general. His rough voice was heard in nearly every cause célèbre at the turn of the nine-

teenth century. In the Chase impeachment and the Burr case he sprang to the defense with no thought of reward. Key and Taney often saw Martin drain a pint of whisky between witnesses in the general court. If Martin abstained from liquor he grew stolid. On one occasion a client, fearing his drunkenness, insisted that he not drink a drop during the trial; Martin resorted to dunking bread in whisky and *eating* it in order to win the case.

In after years, Key often sat as counsel alongside this extraordinary lawyer; eventually, he paid \$5 a year lawyer's tax toward the unusual pension which the Maryland legislature granted Martin when, old and sick, he became helpless. In Frederick Key heard the tales of Martin's courtship of Mrs. Hagar, and of Cresap's eldest daughter Maria whom he married. Philip Barton Key, when in doubt about a legal point, often consulted Martin, even in the melancholy days when Martin had begun to sink into drunken depravity akin to madness.

Living with Uncle Philip, not restricted as he had been at the Scotts while a schoolboy, young Key met everyone of importance in Annapolis. When the general court moved to the Eastern Shore for its session at Easton he accompanied Judge Chase. Sometimes he traveled as Uncle Philip's clerk on important duties in Baltimore and Washington. Litigation was frequent. Lawyers thrived. Fame lay ahead. He viewed his career with eagerness. But his ambition, on his next vacation, suffered a slight youthful setback; his first sweetheart imparted to him an urge to become a poet.

On his summer holiday at Terra Rubra—and it must have been the summer of 1797 before he was admitted to the bar—he became enamored in juvenile fashion of a girl whose name

has been preserved only as Delia. Who she was we do not know—a near neighbor, perhaps a guest of his sister. She was certainly his first sweetheart. He was very young, very sentimental. We can picture Frank and Delia in the meadows along Big Pipe Creek, where lovers to this day walk on Sunday afternoons, strolling beneath the springtime sky. He wrote her a poem, amateurish and ungrammatical, declaring that while others till the fields and strive for fame, he and Delia

“ . . . by the riv’let’s side will lay [*sic*]  
And think how transient is a lover’s day.”

Although we cannot definitely date the poem nor identify Delia from these lines, they serve to show that Key, seriously or playfully, would have forsaken the manor for the cottage.

#### TO DELIA

Let others heap on heaps their useless ore,  
And view with sparkling eyes th’ increasing store;  
Let others toil, with ceaseless care, to gain  
The rich productions of the boundless plain,  
And own, each night passed sleepless by their fears,  
That wealth has for its joys a thousand cares;  
For Fortune’s fickle smiles let others pine;  
Delia, thy smile, thy witching smile be mine.  
Content, though poor, each easy idle day,  
Cheered by that smile, steals unperceived away.  
With thy fond arm in mine, when Spring’s soft power  
First bursts the bud of every blushing flower.  
Then let me guide thy light steps o’er the green,  
And show thee all the beauties of the scene;  
Or when the sultry suns of Summer pour  
A warmer ray, then many a rapturous hour

Awaits us, where the beach-tree's arching shade  
Has formed a secret bower for lovers made:  
That beech, whose tender rind did first impart  
To Delia the soft secret of my heart—  
Carved on whose trunk the faithful vows appear  
Which Delia heard not with disdainful ear;  
There, by the riv'let's side, we'll careless lay  
And think how transient is a lover's day;  
There, will thy swain with fondest zeal prepare  
A flowery garland for thy tangled hair;  
And thou, with playful hand, a wreath shall join,  
And round thy poet's brow thy gift entwine.  
With Autumn's ripened fruit when every tree  
And shrub hangs loaded, Delia, then for thee  
Up to each tall tree's topmost bough I'll spring,  
And the full basket to our cottage bring.

This was not his only poem to Delia. In the summer, when flowers came in bloom, he addressed a piece to a rose which he had cut for her. Thinking of "Delia's dewey lip" as he plucked the rose, he wrote:

When, scarcely formed, you first appeared  
I marked you with a lover's eye,  
And doomed thee to an envied fate—  
On Delia's breast to live and die.

After that summer, very suddenly, adorable Delia drops from sight and rhyme. But it is hardly possible that she was forgotten. She, unfortunately, must have been a redlands girl who did not winter along fashionable tidewater.

Love at Terra Rubra, on a care-free summer holiday, was very different from the practical, well-directed love that pre-

vailed in Annapolis. Key soon met the girl he married. He was eighteen when he began his second year as a law student. Tall, erect, handsome, he attracted favorable notice. His acquaintance widened. He drank tea with matrons who reminded him that they remembered him, not so long before, leading prayers in his nightgown at the Scott house. He sailed on the Severn, picnicked, and was less diligent than Taney. Dreaming of love and fortune, he was an easy mark for affection when in the course of the year he became acquainted with Mary Tayloe Lloyd, a mere child in her fourteenth year, who lived in the great house which Samuel Chase had built.

Mary Lloyd, less complacent than poetic Delia, challenged him. She was proud; she was coy; she resented his calling her "Polly"; she was annoyingly fond of Key's good friend, Daniel Murray; she drove Key into lovelorn mooning by using his sonnets for curl papers. Nevertheless, she was the only girl he now desired. Discouraged by her coldness, he was not defeated. He addressed one verse to her, which she secretly treasured.

#### TO MARY

Frown on, ye dark and angry clouds;  
And, Winter, blow that blast again,  
That calls thy wrathful host to pour  
Their fury on the wasted plain.

'Tis thus I choose my way to win  
To her whose love my bosom warms;  
And brighter seems the prize I seek,  
Seen through the gloom of clouds and storms.

Let colder lovers shrink from these,  
And calmly wait for peaceful skies;  
Be mine, through toil and pain to win  
The beams of Mary's gladdened eyes.

Perhaps she'll value more my love,  
Perhaps give more of hers to me,  
Perhaps may greet me with a smile  
More sweet, if smile more sweet can be.

O! Mary, couldst thou know this heart,  
Could words or deed its truth declare,  
'Twould higher raise love's flame in thine,  
Or light it, if it be not there.

How different from summertime Delia—Mary Lloyd in wintertime!

Mary Tayloe Lloyd was only fourteen. Key was eighteen. More than three years passed before they were married, but from the moment he met her he was her versifying slave and openly acknowledged the fact. When he wrote a verse for Daniel Murray's sister in honor of her coronation as Twelfth Night queen he was discreetly dispassionate lest he arouse jealousy.

He communicated to his sister Ann at Terra Rubra all the details of his life in Annapolis, and contrived for her to visit him. He introduced Ann to Taney, who was "immediately captivated by her womanly grace."

Key, not yet admitted to the bar, now began to study with determination. He had outgrown his idle dream of poor contentment with Delia in a cottage. Mary Lloyd, of an old and wealthy family, the granddaughter of a royal governor, ex-

cited ambition. He listened more carefully to Uncle Philip's vast plans for opulence.

In the summer of 1798, while at Terra Rubra, he undoubtedly heard for the first time a political song to the tune of "To Anacreon in Heaven," the melody that was to make him famous. It was "Adams and Liberty," celebrating President Adams's firm notes to France and England, and it became one of the most popular songs ever sung in America. Its author, Robert Treat Paine, had written it for the fête of a Charitable Fire Society in Massachusetts. The words were rousing. The tune was novel. Even Jeffersonians sang it lustily.

#### FAREWELL TO YOUTH

Key was not musical. He played no instrument, and he may, as some claim, have been tone deaf. However, while puttering at his books he whistled cheerfully. At church he held up his side of the hymnial. His early verse, written on impulse, was so well received that he became addicted to rhyme on all occasions. It pleased people. It required little effort. He rode horseback a great deal, a pastime that is stimulating to the composition of poems. Once, while so occupied, he composed a tribute to his steed.

'Tis sweet to breathe freely the balmy air,  
And walk where we will, at morn, eve, or noon,  
When the step keeps time with the bounding heart,  
And the strings of life are all in tune.

'Tis sweet to be rocked on the ocean's swell  
When the fresh breeze fills the sail,  
And the light bark leaps o'er the dancing waves,  
And laughs at the rising gale.

But give me the steady and fearless seat  
On the back of the gallant steed  
That knows no check to his flying feet  
But the hand that rules his speed!

On the return journey to Annapolis in 1798 he must have written many verses for Miss Lloyd; but he also spun in his head a whirl of political theory with which to confront Uncle Philip, for whose office he was bound.

He was already aware that Uncle Philip was outgrowing Annapolis, that his affairs in Washington were becoming increasingly important. He hoped to become a worthy assistant to that truly great man, for the family had already hinted that some day a partnership might be arranged.

Miss Lloyd was obviously too young to be married, yet it distracted Key to know that if he went to Frederick or with Uncle Philip to Washington he must leave her behind.

He rode to the redlands at the end of a year of hard work to commence the practice of law in Frederick. He was home for Christmas.

The death of Washington, in December, 1799, had dampened the nation's Christmas spirit. Nevertheless, we can be sure that turkeys, hams, venison pies, and pastries were attacked and demolished in true manorial style; that mistletoe hung in the lighted hall; that excellent old Madeira graced the great dinner table. For the first time in his life, perhaps, young Key joined in the toasts with his elders. If the Keys resembled their neighbors they drank first of all to the memory of George Washington, then to every state in the union, to the constitution, to the government, to the ladies, till by nightfall scarce an institution in the land had not been approved by the raise of a glass.

We can only speculate on the guests at this family reunion. Perhaps, in the afternoon Henry Williams or Arthur Shaaf arrived with news of the Washington memorial service to be held in Frederick on February 22.

The month of January, after Twelfth Night, was spent in planning for the memorial service. A mock bier was made, and young ladies of the town were engaged to escort it. Veterans were ordered to appear in uniform. Perhaps young Key, serving as his father's courier on the committee of arrangements, rode through snow and sleet to Emmitsburg, Westminster, and Frederick. Perhaps—though we shall never know—he learned for the first time how Tories had been hanged and horse-whipped and Uncle Philip outlawed by the very Revolutionary soldiers he now interviewed.

The memorial service attracted Maryland celebrities from all parts of the state. Thomas Johnson, speaker of the day, joined the procession in a coach drawn by four white horses draped in black. John Ross Key marched with the military, followed by physicians, the clergy, and the bier and pallbearers. Behind the bier came sixteen young ladies in mourning representing the sixteen states in grief. One of these girls was Barbara Hauer, who later married Caspar Frietchie, glove-maker, and during the Civil War inspired Whittier's poem. She was three years older than Key. He knew her, and during his subsequent sojourn in Frederick he encountered her many times. On the day back in 1791 that Washington had stopped at Terra Rubra, Barbara had served the president his coffee at a reception in Frederick, and performed the office with such graciousness, using her own coffee service, that the president had presented her with a china bowl. As the owner of that souvenir Miss Barbara enjoyed a special distinction.

After the procession had escorted the symbolic bier to the cemetery and a salute had been fired, Thomas Johnson delivered an eloquent oration abounding in personal anecdotes of George Washington. Then, with their guests, the Keys departed for their plantation. Young Key, now a fledgling barrister, fingered his white stock self-consciously and joined in the conversation about the possible candidates for the presidency. A Jeffersonian, he had acquired his father's distaste for Aaron Burr. He was about to embark on his first year of practice in Frederick before joining his uncle in Washington, and he probably spoke wisely of the local newspapers. John Ross Key quoted the Republican opinions of the *Maryland Gazette* of Frederick, which had changed its name from *Federal Gazette* and the next year became the *Republican Gazette*—an organ whose poor, eccentric, editor lashed the Federalists without mercy. When newspapers entered a discussion the family smiled with vague pride. There was another periodical published in Frederick—the *Key*. Its editor, Dr. Cary, said that it was a *Key* to unlock the secrets of men's hearts, but privately he confided to his friends that it was named after John Ross Key.

After this winter Francis Scott Key did not again become a permanent resident of Annapolis. Under the wing of Arthur Shaaf he practiced law at Frederick, mostly land-conveying and simple routine matters. He lived at home. Frederick, a Jeffersonian stronghold, was already a town of almost 2,500, with 300 slaves. Its sturdy middle-class citizens were confident of their own ability to govern themselves as Marylanders, and suspicious of tyranny by the privileged at the national capital.

We have no record of Key's years in Frederick except that he was a frequent traveler to Annapolis. In 1801 Polly Lloyd

reached the age of seventeen, consented to marry him, and the date of the wedding was set for early the following year. Key planned to make his home in Georgetown, just outside of Washington, and to practice with Uncle Philip, whose Woodley estate was becoming the show place of the capital.

Frederick, however, was not without opportunities. It was rapidly becoming, from a financial point of view, an ideal situation for a young lawyer. In a few years the justices' courts would enjoy increased jurisdiction. Arthur Shaaf was departing for Annapolis. The competition was not keen. But Key preferred to take his bride to Washington. He suggested that Taney come to Frederick. Ann Key, too, during Taney's visits, assured the lean young Calvert County gentleman, who had already spent a term in the state legislature, that he would be a welcome addition to Frederick society.

Taney's courtship of Miss Key was prolonged by their difference in religion and by Taney's lean purse. Ann Key was an Episcopalian and Taney a strict Catholic. When they were married the conventional arrangement was made that daughters of the match should be raised in the mother's faith, sons as Catholics.

Key's courtship of Miss Lloyd presented no such problem. Both came of old High Church families. Both were wealthy. Both were young. Miss Lloyd had outgrown her girlish coyness and was now exceedingly flattered by Key's attentions and his verses. He was handsome, talented, generous, serious—a lad with a future.

In the autumn, while the Lloyds were planning for the wedding, Key in Frederick was not idle. He entertained Taney and helped him to find lodgings. He made frequent horseback trips to Washington to consult Uncle Philip. By New Year's Day he was ready to go to Annapolis for the wedding on January

19, 1802, at the Lloyd house, which had been bought from Samuel Chase. Suppose a snowstorm obstructed the road? Were all the arrangements complete? Then, by the fireside, as he shared his tobacco pouch with Taney, he appreciated what a wise, reticent, comfortable fellow Taney was. Taney tempered Key's moods. A bond grew between them. They were more than fellow fox-hunters and students. They were brothers.

The Key-Lloyd wedding was the most fashionable social event of the year. The Lloyds, who had spent a fortune on silver knobs, marble stairways and exquisite moldings for the Chase house, were fond of Key. They staged the wedding in the enormous white-paneled drawing room and gave a brilliant reception for the seventeen-year-old bride and the twenty-two-year-old groom.

At about this time Key sat for a portrait which appears to be the work of Charles Willson Peale, the Maryland artist who was already famous as a painter of George Washington and who later became one of Pennsylvania's first abolitionists. The picture is unsigned. It reveals the young bridegroom in a plum coat and white stock, with his hair worn to the shoulders, the natural curls brushed almost straight. It is the best representation that has survived of him. Smiling with quizzical dignity, he was very handsome as he bade farewell to eighteenth-century squiredom and to Annapolis.

With his golden-haired bride he moved to the Potomac, became a townsman.

He, and he alone, called Mary Tayloe Lloyd Key by the affectionate name of Polly. She was almost haughty; at least, she was considered extraordinarily proud. She was a product of the old Annapolis society, once Tory, then Federalist, that had seldom mingled with the democrats, no matter how well born, from the uplands.

## CHAPTER II

### GEORGETOWN

HONEYMOON trips were not customary in the day of rough roads. Mr. and Mrs. Francis Scott Key established themselves, soon after their marriage, in a cozy old mansion overlooking the Potomac at Georgetown. The community, not yet embraced by the District of Columbia, regarded the insignificant village of Washington as an upstart suburb. But the Georgetownians, many of them of Scotch ancestry, willingly profited by the location of the seat of government near them. Their real estate agents fattened on Washington's subdivisions. Their landladies, looking suspiciously at seedy congressmen, nevertheless rented their rooms to them. Their lawyers, for the most part, neglected Montgomery County and hungrily sought richer federal pickings. Even their slave gardeners, hedging, ditching, trimming, and planting, spoke as contemptuously as their masters of the muddy, dusty, bleak, ugly, excavated ground which lay on all sides of the few public buildings under construction.

It is said that Georgetown was at one time so Scotch that the local flour inspector was required to take oath to his disbelief in the doctrine of transubstantiation. The town was assuredly thrifty. On one occasion, to save the fee of a surveyor, the entire population was called out to pull at a rope to measure the width of the Potomac, an enterprise that failed when the rope was carried downstream by the current.

Georgetown—like the president and the Supreme Court—remained while senators came and went. Philip Barton Key's shrewdness in moving to Washington was now apparent. The first noted lawyer to settle in lordly permanent style within reach of the Capitol, he could canter about his acres, enjoy an inspection of stables and garden, and partake of a leisurely breakfast; thus refreshed, he possessed a tremendous advantage over visiting barristers, who, often lacking friendly hosts, arose in the rude taverns for which the early village of Washington was notorious.

Philip Barton Key, already busy as attorney for the commissioners of the city, welcomed his nephew as a partner. Francis Scott Key's competence surprised the seasoned old uncle. During his comparatively inactive years in Frederick, Francis had lost the callowness of youth. He threw himself into his uncle's assignments. He had been admitted to the Montgomery County bar, with Taney, and he handled matters in that jurisdiction. He bought armfuls of law books. Uncle Philip did not know that at home he often neglected these heavy tomes for weeks at a time to read poetry, ethics and theology.

He soon changed his signature to a simple F. S. Key. He usually walked from Georgetown to his office in Washington. Of evenings he strolled with Polly along the Potomac. His bride was amazed at his simplicity. He ate frugally, drank sparingly of light wine, and used only a little snuff or tobacco from the pouch his sister had made for him.

Narrower and lower than the Georgian mansions of Annapolis, their house, though not magnificent, was not small. The basement as well as the attic formed a part of the useful living quarters. On the first floor two reception rooms were situated to the right of the stairway, which led to the two large bed-

rooms on the second floor, and, turning, on to four small bedrooms with dormer windows in the attic. Another stairway descended from the entrance hall to the basement dining room, which was connected with a large kitchen and cooling room, and led to the conservatory which extended toward the river. The house, still standing near the approach to the present Key Bridge across the Potomac, on M Street, has been remodeled to accommodate small business firms, and is hardly recognizable as a once beautiful home.

Neither Key nor his wife were strangers in Georgetown. Through their own friends and at great dinner parties at Woodley they soon met all of Washington society. Polly Key delighted in formal entertaining. As a serious conversationalist Key attracted to his house the leading young men of the capital. Dr. Thornton took a particular fancy to Philip Barton Key's nephew. The two small living rooms of the Georgetown house became a mixing bowl for Georgetownians and Washingtonians. Key weeded out wild young blades. He preferred conversational evenings with a few quiet friends. A somewhat uxorious bridegroom, he perhaps also wished to shelter Mrs. Key from the songs and quips of the army officers and younger congressmen who sometimes startled old Georgetown with their nocturnal revelry.

As a lawyer he developed into an original pleader. His voice, firm, sonorous, mellow, his remarkably distinct enunciation, his striking, erect, six-foot figure, were almost his undoing. His oratory and personal charm exceeded his logic. He neglected to pierce fallacies with reason. Instead, he resorted to humanitarian appeals. His countenance, calm and expressionless in repose, now betrayed his sentimentality. Like a tragic actor, when he threw his whole soul into a speech his face

reflected how deeply he was moved. In the words of one observer, "His face seemed to shed sparkling beams upon his words as they fell from his lips. In his more impassioned moments it was like lightning charging his sentences with electrical power."

Definitely a man of feeling rather than intellect, he disliked dead precedent and the arduous research connected with it. He respected the constitution but appealed always for a liberal construction of its phrases. Law was made for man, not man for law. He was, in the court room, the direct opposite of Taney. A thorough student of jurisprudence, Taney, cold and formal, was dogmatic.

A warm, sympathetic, human pleader, Key was impatient of tedious, pedantic dilly-dallying. He was rude only when interrupted. He accepted poor clients, even Negroes, without fee. This he could well afford to do. From wealthy clients he and Philip Barton Key received fees of thousands of dollars.

After a year in Georgetown the Keys, spending their summer holiday along Pipe Creek, entertained the family with stories of their pleasant existence along the Potomac. The next year, in which their first child, Elizabeth Phoebe, was born, was comparatively uneventful. Key interested himself in the Episcopal church. He entertained visiting clergymen and organized a group of young men which later became a Sunday-school class. He began to tithe; he actually set apart one-tenth of all money he received as sacred to benevolent purpose. It was not long until, despite his youth, he was the most prominent layman in the church; he became the lifelong friend of Reverend William Meade, later bishop of Virginia, who was also a friend of John Randolph of Roanoke.

The law firm attracted such a large business that by 1804,

when Samuel Chase, of the Supreme Court, was impeached, Philip Barton Key, as one of the counsel for the defense had time to contribute little more than his presence to the case. Young Key, too, sat in the senate chamber beside his uncle and beheld the first great legal battle that rocked the federal government.

Samuel Chase, who had built the Lloyd house in Annapolis, was a distinguished lawyer and ardent patriot. He had signed the Declaration of Independence. Washington had appointed him to the supreme bench. Although a man of ability Chase was unable to govern his temper; while on the federal circuit he had on many occasions been, to say the least, indiscreet in his determination to enforce the alien and sedition laws. He was accused of unfairness in his charges to juries and in his treatment of witnesses. Now, years later, these old judicial errors confronted him. Were it not that John Randolph of Roanoke, never a party tool, had moved that Chase's record be examined, it might appear that Chase as a Federalist was being persecuted by Mr. Jefferson's administration.

Chase was now an old man. His burly six-foot figure was weakened by fat and the gout. His red face was blotchy with age. Still a formidable, domineering personality, he looked in all truth very unlike a humane judge. Sleek, small Aaron Burr, embittered by his defeat for the presidency, surveyed Chase's gray hair contemptuously before he permitted the aged justice the courtesy of a chair while he stood trial. Burr attempted to imitate the impressive atmosphere of the trial of Warren Hastings.

John Randolph was chief manager conducting the hearing. This was several years before Key and Randolph became intimate friends. They had met one another only casually at

Woodley. Whether or not they exchanged greetings on this occasion we can be sure that Key did not fail to note the stormy young Virginian's tall, frail body, his high-pitched voice, his handsome face and extraordinary ability as an orator. Randolph had not yet become a bitter, disappointed, contentious, abusive man. As an understudy of Patrick Henry he was one of the most remarkable men ever to sit in Congress. Concluding his list of charges against Chase, he appraised the justice's imposing array of counsel.

There sat Joseph Hopkinson of Philadelphia, who had written "Hail Columbia," a song then practically accepted as the national anthem. Beside Hopkinson were Robert Goodloe Harper, a prominent Maryland Federalist; Charles Lee, who had been attorney-general under John Adams; Luther Martin, smelling of law books and whisky; and Philip Barton Key, his body lounging informally while his noble head was held politely attentive. Randolph beheld, next to Philip Barton Key, Francis Scott Key, his eyes wide with amazement at the Virginian's oration. Key, though he had no connection with the Chase case, was handily placed near counsel as was every other young lawyer who could manage to secure a seat.

The trial, though a notable one, dragged tiresomely. Dramatic as any of the testimony of witnesses was Burr's impudent remark when Philip Barton Key arose to speak: "Mr. Key, you must not appear as counsel with that loose coat on!"

At the conclusion of the testimony the vote of the Senate did not remove Chase from the bench; he remained a Supreme Court justice until his death in 1811.

After witnessing the angry display of party feeling in this case Key decided never to enter politics so long as party strife continued. Much more to his liking were the criminals in the

dock than the demagogues on the floor of Congress. But inevitably he came to realize that progress is steered by invective as well as by conciliation. In a few years he was to admire Randolph's tirades against the Republicans who clamored for war against England. He himself, from castigating members of his own party, eventually learned to hurl thunderbolts at the Whigs.

Three years after his marriage his second daughter Maria Lloyd was born. Eventually, as other children arrived in the little Bridge Street mansion, Key devoted much of his leisure to the instruction of his new family. By 1806, when he and Mrs. Key went to Terra Rubra in January for the wedding of Roger Brooke Taney to Ann Key, he appeared quite a family man. The Taney wedding, on January 7, took place at the Key plantation, with the Catholic priest, Father Zocchi, from Taneytown, present; also the Reverend Mr. Dubois of Emmitsburg. The reception was gay, a festive climax to the Christmas season, with many of Taney's hearty friends from southern Maryland present to do justice to the entertainment.

Every summer thereafter Taney and Key met for a prolonged family reunion at Terra Rubra.

In the summer of 1806 Philip Barton Key, deciding to run for Congress, retired from the practice of law and relinquished his office to Francis Scott Key. Thereafter Key conducted all his business in the small wing attached to his house in Georgetown. Complete master of his own affairs, he had but to climb the stairway from the downstairs dining room after breakfast, step into his office, and prepare for the day's work. In this sort of existence, in constant reach of his wife and family, he was tempted to idleness. He began to regiment his time. Busy as he was, with many tedious legal matters to attend to, he taught his own children their letters. He volunteered to assist in the

government of Georgetown; often the civic matters of the town were entirely in his hands. He dedicated a certain number of hours each week to religious reflection.

If at this time he had accepted the bitter realities of politics and run for office he could have become a conspicuous legislator. Instead he let introspective moods dominate him. He believed that the office should seek the man, not the man the office. Not so Uncle Philip. Running on the Federalist ticket he pilloried the Jefferson administration and was elected to Congress. It is doubtful whether Francis Scott Key voted for his uncle. Key admired Jefferson. He agreed with his uncle on only one major issue—he was against any offensive war against France or Great Britain.

Approving of Jefferson's quick and decisive action against the Barbary pirates, Key had joined in the banquets honoring the naval officers who returned victorious from the African coast to Georgetown. Indeed, for one festive dinner he had composed a song in honor of the subduers of the corsairs—a song to the tune of "To Anacreon In Heaven," which is of curious importance, poor as it is, because it preceded "The Star-spangled Banner."

As well informed as most congressmen on the policy of the government, Key attended the debates, knew the cabinet members, visited the president's house. But, averse to controversy, he was a layman without influence.

The fame of a lawyer, as Key himself observed, often depends upon the mistakes and indiscretions of perfect strangers. In 1807 the arrest of two of Burr's messengers in Louisiana contributed to Key's prestige in Washington. He defended Dr. Erich Bollman and Samuel Swartout in a sensational series of hearings which finally reached the Supreme Court.

Aaron Burr, in September, 1806, made a contract with Har-

man Blennerhasset (a queer Anglo-Irishman who had invested his entire fortune of \$100,000 in an island estate in the Ohio River) for the building of fifteen barges to transport a large company downstream. An enterprise of such magnitude could not be kept secret. By December the United States government, prodded by John Randolph, interested itself in discovering the destination of these huge river craft. Ohio troops were called out to watch the river, Virginia troops, too late to capture Blennerhasset, who had fled, seized the island, ransacked the house, despoiled the grounds, and terrified Mrs. Blennerhasset.

Burr, captured in Virginia, was held for trial. Henry Clay at once volunteered to defend him. General Wilkinson, the real villain of the piece, in the pay of Spain while commander-in-chief of the American army at New Orleans, saved himself by testifying against Burr. In addition Wilkinson contrived for two of Burr's messengers to be arrested and carried off for trial. The two men, Bollman and Swartout, were personally conducted before the chief justice before they achieved freedom.

The trial of Burr belongs to history. Likewise the court-martial of General Wilkinson, who in a notable hearing at Frederick in 1811 was successfully defended by Roger Brooke Taney, who, convinced of his client's moral if not technical guilt, accepted no fee and refused to acknowledge the congratulations of the overjoyed Whig societies of Washington.

The ramifications of the Burr capture were manifold. Poor Blennerhasset, who aspired to a dukedom in Burr's empire, died a pauper in England; his wife, a poet whose verses were admired in Key's day, ended her days in a New York tenement while vainly attempting to collect damages from Congress for the ruin of the island estate. The Burr trial in Richmond

brought together out of curiosity a greater delegation of lawyers than a bar association could have mustered for a convention.

In the meantime Key distinguished himself in the Bollman and Swartout case. Never before or after did he have such picturesque clients. In order for the government to hold them President Jefferson attempted to convince Congress that sufficient danger to the peace and security of the country existed to suspend the writ of habeas corpus. The Senate actually capitulated. In the House John Randolph, though convinced of the treasonable guilt of Bollman, Swartout, and Burr, arrested the suspension of the writ, denouncing it as "unnecessary, oppressive and tyrannical."

A glimpse at the previous history of Bollman and Swartout discloses that they were men of affairs but adventurers.

Swartout was an intimate friend of Burr and had spirited that unfortunate man away from Richmond Hill in New York after Burr had killed Alexander Hamilton. He had accompanied him at that time to the estate of Major Pierce Butler on St. Simon Island off the Georgia coast and had been in his company most of the time thereafter.

Bollman, a romantic wanderer, perfectly cast in Burr's dark, mysterious drama, had been a Hanoverian medical student in Paris when the events which were to bring him to America began. His keen taste for intrigue and conspiracy at once attracted notice when he smuggled Narbonne from his hiding place in Madame de Staël's Paris residence to London. Narbonne, a friend of Lafayette (who was then in prison), introduced him to Lafayette's old friends in London, among them Charles Cotesworth Pinckney and Mrs. Angelica Church, a sister of Mrs. Alexander Hamilton. Upon hearing of the anxiety

for Lafayette, who had been moved from the Neisse prison to an unknown dungeon, Bollman agreed to uncover his whereabouts.

As a Hanoverian he easily secured a passport from George III, crossed the Channel, reached Germany, and soon surmised that Lafayette was detained in the old fortress at Olmütz. He cultivated the friendship of the prison physician, a fellow scientist, and in casual conversation asked after Lafayette's health.

The doctor innocently assured Bollman that Lafayette was well. Bollman casually suggested that the doctor inform the prisoner that his friends in London, whom Bollman had seen recently, were likewise well. This notified Lafayette that friends were working on his behalf. Too sly to remain long on the scene, Bollman went to Vienna and quite by chance met Francis Kinloch Huger of Charleston, South Carolina, a twenty-one-year-old youth who willingly joined with him in a plot to free Lafayette.

They wrote a commonplace letter to the famous prisoner with a secret message in lemon juice beneath the phrase, "Mettez-le au feu." Lafayette discovered the message. Others followed. On a day when Lafayette was scheduled for a drive beyond the prison walls he requested that he be taken for a walk instead. Not far from the prison Bollman and Huger, mounted and leading an extra horse, thrust the reins of the led horse into Lafayette's hands and Huger shouted, "Go to Hoff!"—a town near-by where further transportation and concealment had been arranged. Lafayette, thinking the American had cried simply, "Go off," rode straight down the highway and was soon captured. He spent three more years at Olmütz before Napoleon freed him.

Bollman fled to London. Mrs. Church gave him a letter to Mrs. Alexander Hamilton, asking her to present him to President Washington. He came to America, was well received, and acclaimed as a hero. Everyone knew that he was the man who had attempted to free Lafayette. While Burr was vice-president he made his acquaintance. The two men evidently discovered that they owned a common love of intrigue and adventure.

Key had been much impressed by Bollman when he had first met him, and since Key's father had soldiered with Lafayette he had no compunctions about representing him.

When apprehended, Dr. Bollman said that he had been "induced" to enter Colonel Burr's service. He had undertaken the delivery of a cipher letter to General Wilkinson at New Orleans. He had arrived in that city in September, 1806. General Wilkinson being at Natchitoches, the doctor forwarded from Burr "the enclosed letters which I was charged to deliver to you by our mutual friend." The cipher message which Bollman had carried contained Burr's plans for his progress down the Mississippi.

Bollman and Swartout were sent under custody from New Orleans to Charleston. Despite writs of habeas corpus they were delivered without a hearing to the federal marshal at Washington. The circuit court of the District of Columbia ordered both of them committed for treason.

Key appeared immediately in their behalf. On February 10 Charles Lee interested himself in their fate, and on February 11 Robert Goodloe Harper and Luther Martin, both enemies of the Jefferson administration, asked to be heard for Bollman and Swartout.

At the preliminary hearing the accused men were "collected and firm." The attorney-general demanded that the prisoners

be held without bail. Key, Lee and Harper made long arguments. So brilliant were the speeches, so spectacular the clients, so sensational the charges against them that the House adjourned and the Senate could not raise a quorum. The federal court, overwhelmingly Republican appointees of Jefferson's, decided against the prisoners. They were returned to prison "for trial without bail or mainprize."

In his first appearance before the Supreme Court Key at once applied for a writ of habeas corpus. Supreme Court Justice Marshall "directed process to the jailer to show why the writ should not issue." There followed an acrimonious tilt between Chief Justice Marshall and Luther Martin. Disagreeing with the chief justice's definition of the word "present," Martin shouted that Marshall's words should have no more weight than the ballad of Chevy Chase.

The two adventurers were actually brought before the Supreme Court and testimony taken. The arguments again were long and involved. "Treason" was defined over and over again. The counsel attacked the commission of the magistrate in Louisiana who had certified to Wilkinson's affidavit against the two men.

Eventually, after much search for precedent on the part of both court and counsel, the chief justice announced that the court hoped to reach a decision on the following day, and that in the meantime Bollman and Swartout might go temporarily free on \$3,000 bail.

The court's lengthy opinion is often quoted. Bollman and Swartout were not only freed but declared innocent of high treason. The Supreme Court was of the "opinion that the testimony did not furnish probable cause for supposing that Samuel Swartout had levied war against the United States and directed

that he be forthwith discharged from the custody of the Marshal." The same order applied to Dr. Bollman.

In 1861 Taney referred to the Bollman and Swartout case in his famous John Merryman opinion, quoting Marshall to the effect that if habeas corpus is suspended it is the part of the legislature, not the president, to say so—a decision to which President Lincoln, overriding the constitution, did not defer.

During Bollman's detainment a list of the Burr conspirators reached Lafayette in France. He at once wrote to Jefferson, begging him to free Bollman, offering against "Bollman's fatal trip to New Orleans" that "other trip to Olmütz." Jefferson hardened his heart, and replied that if Lafayette had accepted the governorship of Louisiana there would have been no such anxiety.

This spectacular case, so soon after Francis Scott Key began to practice law alone, definitely established him as a leading barrister at the age of twenty-eight. His gracious acceptance of Luther Martin's assistance was applauded. His manner of speech, previously taken for granted, now became a minor sensation. He was a celebrity.

He no longer could avoid politics. While criticizing Jefferson's conduct in the prosecution of Burr—which was understandable in view of Burr's known bad sportsmanship when he lost the presidency to Jefferson by vote of Congress—Key nevertheless applauded Jefferson's efforts to preserve peace with England and France.

His law cases increased in number and importance. In the February term of the Supreme Court in 1809 he assisted Attorney-general Rodney in the case against Judge Peters, which almost ended with the Pennsylvania militia called out to prevent the execution of the Supreme Court decision. Peters, as a

United States district judge, in 1803 had ordered the proceeds from a prize at sea paid to a sea captain named Olmstead instead of to the state of Pennsylvania. Although Key argued for states' rights in this case the Supreme Court decided otherwise. The case stimulated the growing discussion of the states versus the Union.

From 1809 onward Key frequently served as attorney for Dr. Thornton and the city commissioners. We find in the Thornton papers a receipt from Key, dated September 13:

"Recd of Dr. Thornton thirty-six dollars in part payment of a fee of fifty dollars due as his counsel at the suit of the Commissioners of Washington City. F. S. Key."

Whether or not Key advised Thornton on patent matters at this interesting period, when as head of the patent office Thornton was corresponding with Robert Fulton on the subject of his steamboat, we do not know.

## CHAPTER III

### THE WAR CLOUDS

"THE STAR-SPANGLED BANNER" was a war song, yet Key opposed the war which produced it. Not until Maryland was invaded did he bear arms. By his hearth in Georgetown he and Randolph argued with fellow democrats who felt that the impressment of American seamen was sufficient cause for casting America's lot with the fortunes of Napoleon. He attended the congressional debates which, from Madison's inauguration in 1809 onward, signified that the Union faced a crisis. Jefferson had barely averted war by his unpopular Embargo Act prohibiting all American traffic with Europe. Madison, a shy scholar rather than an executive, was driven into war by the political slogan, "Free trade and sailors' rights!" Except for New England and the Federalist party, both pro-British, the mass of the American people scarcely knew that France had been as aggressive as Great Britain although less effective with her blockades and decrees.

It was anticipated, not alone by the antiwar Federalists but by the more thoughtful Republicans, that Madison, instead of fighting the war upon the seas, when it came, would succumb to the ambitious scheme of making a conquest of Canada, long a dream of certain old Revolutionary heroes.

"I shall not fight the poor, unoffending Canadians," said Key to Randolph.

It is inconceivable that Key was absent from the Capitol gal-

leries on the day that Randolph made one of the most eloquent speeches ever heard in America, on a resolution "to put the United States into an armor and attitude demanded by the crisis." Randolph conceded British aggression but inquired, "What about the French?" He characterized Napoleon, whom an American war with England would assist, as the "deflowerer of the virginity of republics." He said truly that imperialism is infectious—that the administration had its eye not on honor but on Canada. "This war of conquest," he cried, "is to be a new commentary on the doctrine that republics are destitute of ambition, that they are wedded to the happiness and safety of the great body of their people." He asked who would profit by such a war. The speculators! How would it be financed? By the blood and treasure of the people? With prophetic irony Randolph inquired if the administration proposed to send the army to Canada and leave the coasts unguarded. He praised British-American culture: literature, jury trial, voting of supplies, writs of habeas corpus. His speech was applauded only by the opposition—the Federalists.

Answering the contention that we ought not to go to war unless invaded, Henry Clay asked, "How much better than invasion is the blocking of your ports and harbors?"

The bill authorizing the president to accept troops up to 50,000 passed after a sensational speech by Williams of South Carolina, in which, replying to the remark of a member that it was poor sportsmanship to attack England while she was fighting for her very existence, he said, "If her existence, sir, depends upon our destruction, then I say down let her go. . . . Sir, we may trace her progress for years through blood. Did she raise the standard of liberty in India? Was it to plant the standard of liberty in this country that she immolated even infant innocence during the war of Revolution?"

The session throughout the spring of 1812 was stormy. On June 1 Madison capitulated to the war party. A bill inspired by Clay, drawn by Pinkney, and introduced by Calhoun declared war to exist between Great Britain and the United States. It was passed by the House, seventy-nine to forty-nine; Philip Barton Key voted against it. In the Senate the supporters of De Witt Clinton, contending they were not opposed to the war but to the declaration of it as premature, issued a statement to the public. The Senate vote for war was nineteen to thirteen.

Letters of marque legalizing the privateers were authorized. The treasury was given authority to issue notes up to \$5,000,000. At the suggestion of the president a day of public humiliation and prayer was fixed by resolution of Congress.

#### 1811-1813

While this war of vengeance and conquest was brewing in the ill-ventilated halls of Congress, and the Washington summer was assuming its pestilential humidity, and old Philip Barton Key was voting against the supply bills, and Roger Brooke Taney was vainly attempting to get into Congress, Francis Scott Key needed no reminder of president or Congress to bend his knee in public humiliation.

In the years since his assumption of Philip Barton Key's law practice he had prospered. His wife was as affectionate as a bride. His five children were healthy. His household was well managed. His bank account was comfortable. Nevertheless he was discontented and unhappy. He had, he thought, failed. He had not placed himself in a position to help avert the war, and he felt his failure keenly. He had been trying small cases in court rooms while the fate of the nation was decided.

His hearty responses to the liturgy, signifying his presence in St. John's Church, rain or shine, marked him as a conspicu-

ous vestryman. His religious enthusiasm, boundless as it was, now struck him as futile and empty, consisting only of words. He felt a civic urge, but his vague Utopianism, his dislike of the friction between political parties, gave him, as he said, "no desire to appeal to the prejudices of the *base proletarian rout*!" Like an affable monk he sat late at night in Randolph's lodgings at Cranford's in Georgetown, suggesting that only Christian ethics could save the country from ruin. Reverend William Meade was often present at the first intimate meetings of Key and Randolph.

Randolph failed to perceive Key's personal discontent. He often sat across the great mahogany table in Key's dining room, marveling at a man who would let the joint and hominy grow cold on the platter while grace expanded into a lofty invocation, into a sermon, into a patriotic oration. Not suspecting the genuine personal dissatisfaction beneath Key's wistful smile, Randolph said, "His whole life is spent in endeavors to do good for his unhappy fellow men. The result is that Key enjoys a tranquillity of mind, a sunshine of the soul, that all the Alexanders of the earth can neither confer nor take away."

On February 22, 1812, in a letter to his friend Garnett at Essex, Virginia, Randolph, after admonishing Garnett to tell his "postmaster that *Georgetown is not Washington*" and saying that "our friend Frank Key has a sincere esteem for your character," described the local Washington's birthday celebration. Randolph wrote:

"I went today with F. Key and Mr. Nelson [a Frederick lawyer] to hear William Meade deliver a lecture on the anniversary of Washington's birth. We dined with Edmund Lee & were driven away in the afternoon by the intrusion of the fa-

mous General Lee, to the evident chagrin and mortification of his brother. This man is now the Eulogist of Wilkinson, and I have good cause to believe writes in his praise—puffing him in the papers and libelling all whom he considers inimical to that ‘persecuted patriot.’ ”

In this year Taney, as Wilkinson’s attorney, shared some of the notorious Wilkinson’s unpopularity; but he “labored with singular zeal and ability” against Walter Jones of Washington, the judge-advocate. Wilkinson’s sword was finally returned to him, and Wilkinson, in 1813, took a pathetically ineffectual part in the second campaign against Canada.

William Meade and Dr. Thornton had already discussed with Key the possibility of securing a foothold in Africa for freed slaves. They believed it feasible eventually to transport the entire black population of America back to their home continent. Thornton had conceived the idea as early as 1787. Meade, well aware of the social menace that thousands of manumitted slaves would become if freed suddenly to shift for themselves, had turned to Key for advice. Known as a benign slaveholder, he had already demonstrated that he was never too proud or too busy to represent a Negro, often at the risk of personal danger and criticism, in courts of law.

There was a touch of the martyr in Key. He told Randolph that he did good only for the joy of seeing good done. Randolph, a skeptic, said he could not help feeling something very like contempt for all his foolish fellow mortals. Unlike Key and Meade, Randolph said he never could be content with doing good for goodness’ sake, or even for the sake of the Author of all goodness.

This began a religious discussion between Key and Randolph

that persisted, off and on, till Randolph lay down to die with the word "remorse" on his lips. Undoubtedly at times Key assumed an ecclesiastical if not a sanctimonious air. His conversation readily turned to moral discussion. His piety was extraordinary. Only the fact that Randolph found him always interesting and refreshing, never dull nor monotonous, leads us to believe that Key was not a prig. His reflections and his utterances were devout but they were sincere. His charitable and civic activities were not designed to attract clients or to forward political ambition, but simply to "do good." Randolph often criticized, but never belittled, Key's almost Franciscan experiments in benevolence, such as the Lancaster School which was opened in Georgetown in 1811.

It was largely due to Key's efforts that the first Lancaster Free School in America was founded.

Lancaster, familiar to students of pedagogy, was a charitable English Quaker who had borrowed from a British civil servant in India the idea of a monitorial system in the schoolroom, whereby one instructor could manage several hundred pupils in rotating classes. Falling into disrepute in England, where his schools for the poor nevertheless flourished, Lancaster and many of his protégés came to America. The Georgetown School founders negotiated directly with Robert Ould of England, and in 1811 he appeared fresh from the Borough School of London to take charge of their school. The trustees, of which Key soon became president, were satisfied that Ould was competent to conduct the school. In its very first year the Georgetown School, refusing no white child admittance, accommodated more than two hundred pupils.

Key busied himself in securing financial support for the institution. An annual grant from Georgetown was forthcoming.

It was a genuinely free school. Poor children paid for noth-

ing except their notebooks; those able to pay were assessed less than \$10 per pupil per annum. In the spirit of Lancaster's Quaker ideas Key gave the school its character as a literary institution, a "convenient rendezvous for the pious, the benevolent, the public lecturer." He encouraged the use of the building as a place of worship by any group in need of a house. It was frequently so occupied. No sectarian dogmas were permitted. The Bible was read without note or comment.

In 1812 when the school was incorporated Key made speeches recommending the establishment of Lancaster schools throughout Maryland, parts of Virginia, and Pennsylvania. He was the godfather of many one-room schoolhouses where Lancaster was never heard of. During the first months of the War of 1812, when Robert Ould's brother Henry was brought from England to preside over a Washington Lancaster school, Robert Ould's pupils in Georgetown already numbered nearly three hundred.

Randolph asked why Key did not send his own children to it instead of teaching them himself. Naturally contentious, Randolph was prejudiced against the name of Lancaster because Lancaster had claimed entire credit for the excellent pedagogical idea which he had borrowed.

Throughout the first year of the war Key's quizzical oval face was as familiar as his album rhymes in the ambitious and suddenly military society of Washington. At heart almost a pacifist, he was like a Quaker who strives less for wealth and fame than for a better world about him. It gave him more pleasure to carry a tumbler of Mrs. Key's apple jelly to ailing John Randolph than to win a lawsuit. As a small-town man on the fringe of national affairs, he lived too comfortably routine an existence to be plagued with political ambition. For that very reason his friends did not take him seriously as a

political philosopher. He was considered almost a dilettante, his home a sort of salon where preachers, judges and congressmen met solely for the pleasure of friendship. There one might hear Thornton and Meade and Randolph appraising the poems of Scott and Byron, or Philip Barton Key, his spirit subdued by the death of his daughter, cursing the administration outright. Sometimes, down from Frederick, Taney would be present, regarded with suspicion because he had served as Wilkinson's attorney.

In such a circle the lay-reader, the Lancastrian pedagogue, the lawyer, the versifier, was ignored; Key was simply a pleasant host. Like the democratic landed gentry of the redlands, he did not annoy his guests with opinions but pleased them with food and friendship. It was inevitable that he should begin to compare his career with the careers of his contemporaries. It was not unnatural for him to feel that Meade, the preacher, had outshone them all. While lawyers and politicians had dealt in words, Meade, quietly going his rounds in Virginia, had raised funds for the restoration of abandoned churches, had attracted subscribers to the Bible Society and had given his life a direction that was not at the mercy of shifting political passion.

Not even to Meade did Key confess his discontent with the practice of law and his secret desire to forsake his office for the pulpit. His associates were misled by his discussion of poetry into believing him a more capable versifier than he actually was. It was, he discovered, easier to praise Scott than to imitate him, to deplore Byron than to surpass him. An indication that he lacked confidence in his literary ability is his avoidance of submitting to Randolph a single composition for criticism.

Perhaps it was Key's upper-class Maryland mediocrity that charmed Randolph. It was, indeed, almost a notable distinction

that while other men fought on the hustings and the battlefields Key lived a life of quiet rectitude, like an upright squire, pre-occupied with his duties as vestryman and school trustee. Everyone knew he could have won a seat in Congress if he had not been unwilling to engage in party strife. His friends suspected that if he wished he could become a poet. Rather, as a pleasantly old-fashioned young man, at the time when his career seemed most promising, he had chosen the modest rôle of benevolent layman. Only he himself seemed to know that his attainments were limited by his own nature, that he was a good man rather than a great one. And, having this knowledge of himself, he was unhappy.

He did not inflict his introspections upon his friends. His wife, still astonishingly youthful, was not troubled by his occasional silent moods, or when, peering into his study, she found him on his knees in prayer. He would rise to greet her with a whimsical smile, perhaps with an amusing bit of gossip, a joke, a playful jingle.

She was so accustomed to receiving household memoranda in rhyme that she seldom saved specimens, such as the following:

Mrs. Key will hereby see  
That judges two or three,  
And one or two more  
So as to make exactly four,  
Will dine with her today;  
And as they can not stay  
Four o'clock the hour must be  
For dinner, and six for tea  
And toast and coffee.  
So saith her humble servant,  
F. S. KEY.

His guests were not confined to judges, congressmen and preachers. An artist named Wood, who lodged in Georgetown, came frequently to discuss the possibility of painting him and Randolph. Daniel Murray, his old school friend from Annapolis, once a rival for the hand of Mary Tayloe Lloyd, now himself a family man, began to exchange visits again. Randolph liked many of the Marylanders he met at Georgetown, particularly the proud Lloyds and a friend of Key's named Sterrett Ridgley who aspired to a seat in the Maryland legislature.

These men would not have believed Key had he bemoaned his fate; it was too comfortable a rôle that he played in his house overlooking the Potomac. At the very moment that his piety became mildly boring, Key often produced a bottle of Madeira to dispel his guests' apprehensions. A polite host, he was on special occasions gently and quietly convivial.

On visits to Upper Marlborough he did not refuse to linger in the summer garden of aged Dr. Beanes, the leading citizen of the town and a friend of Dr. Scott's, over a bottle from the doctor's celebrated cellar. Dr. Beanes lived in magnificent style, with wine freer than tea for his guests. If he had not, Key might never have been called to rescue the doctor from the British fleet in 1814. Beanes was a boon companion of Mr. West of the Woodyard, outside Washington, and West was in turn a merry member of the Georgetown group which Randolph and Key entertained with their arguments on God, war, Madison, literature, and slavery.

West's name is frequently mentioned in the correspondence between Key and Randolph in 1813, when Randolph, exiled by his defeat for Congress, returned to Virginia and watched his prophecies in regard to the war come true. Their letters, quoted

freely from the excellent biography of John Randolph by Hugh A. Garland, published in 1850, give insight into the importance of epistolary pursuits in an age when communications and newspapers were slow and plantations were lonely.

By 1813, Hull's army in the Northwest had been defeated; Wilkinson, sick, old, and incompetent, had not struck a single blow in his Canadian campaign. The Federalists were openly rejoicing that the administration's war was failing. New England's pro-British coast was at first omitted from England's blockade. Perry was on Lake Erie. John Randolph, his lean six-foot figure stooped over his desk at Roanoke while his shrill, piercing voice summoned a servant to dispatch a letter to Key, read the letter he had written. It was mostly a description of the primeval forest surrounding his Roanoke plantation.

Key replied:

"To me it seemed just such a shelter as I should wish to creep under,

"A boundless continuity of shade,  
Where rumor of oppression and deceit  
Might never reach me more."

On May 10, 1813, Randolph for the first time by letter addressed Key as Frank rather than Francis. He wrote:

"Dear Frank, for so without ceremony, permit me to call you. Among the few causes that I find for regret at my dismissal from public life, there is none in comparison with the reflection that it has separated me—perhaps forever—from some who have a strong hold on my esteem and on my affections. It would indeed have been gratifying for me to see once more yourself, Mr. Meade, Ridgley, and some few others; and the

thought that this may never be, is the only one that infuses any thing of bitterness into what may be termed my disappointment, if a man can be said to be disappointed when things happen according to his expectations; on every other account I have cause of self-congratulation at being disenthralled from a servitude at once irksome and degrading. The grapes are *not* sour—you know the manner in which you always combated my wish to retire . . .

"When I came away I left at Cranford's a number of books, letters, papers &c in (and out of) an open trunk; also a gun, flask, shot-belt, &c. Pray take them in charge for me, although one-half of them are of no consequence, the rest are; and you may justly ask why I have been so careless respecting them?—because I am the most careless and lazy man on earth (La Bruyère's absent man is nothing to me) and because I am in love. Pray give the letters special protection."

Key replied that he had already anticipated Randolph's request in regard to the papers at Cranford's; and he went on to say, "You Virginians seem to like the war better the nearer it approaches."

The British depredations in the Chesapeake had begun. Havre de Grace, at the head of the bay, was sacked by Rear Admiral Cockburn, the raider and pillager whose exploits fulfilled Randolph's prophecy that the attempt to attack England in Canada would precipitate a retaliatory invasion of the pro-war middle states.

The appearance of British vessels in Maryland waters completely changed Key's opinion of the war. Havre de Grace, not far from one of the original Key plantations, was getting close home. Key decided to spring to the defense of his state.

His law practice, from the commencement of the war, had fallen off to an alarming degree. He dreaded the prospect of being without an occupation. Although he was by no means financially embarrassed, he now hoped to seize a favorable opportunity for changing his profession, for escaping the narrow limits of the law, the scope of which he did not seem to appreciate. When he wrote to Randolph of his desire for a change Randolph replied:

"Were I Premier I should certainly translate you to the see of Canterbury; and if I were not too conscious of my utter incompetency, I should like to take a professorship in some college where you were principal; for, like you, my occupation is gone. Some sort of employment is absolutely necessary to keep me from expiring with ennui."

On July 15, when Cockburn's raiders threatened southern Maryland, putting firearms into the hands of refugee slaves, Key joined a field artillery company hastily organized by Major George Peter of Georgetown. The records in the adjutant general's office in the War Department disclose that Key served as a matross from July 15 to July 26, 1813. In those eleven days it is unlikely that he sponged or rammed a single gun—if the battery was able to find a gun. Cockburn, with his few vessels, withdrew from the southern Maryland shore and Peter's artillerymen returned home. Their campaign had consisted entirely of a few drills and a search for supplies. But the organization remained. Its members were mostly well-born young men of Georgetown who owned their own horses and could well afford the best tailors for their tight blue uniforms. They were reviewed by the president. They gave a large dinner party. Then, before they had organized a baggage train or got

hold of the proper fieldpieces, they returned to their homes to await more urgent need of their services.

Major Peter, who had been a professional soldier, was a wealthy neighbor of Key in Georgetown, a member of the town council, of which Key was recorder. Like most of the volunteers Key put Peter at a disadvantage. He knew Peter too well to serve under him as a private.

This brief experience as a matross—whether or not he even wielded a ramrod—carried Key over the countryside on horseback and spurred his ambition to escape from the court rooms. He contemplated the hustings, talked of running for the state legislature, perhaps for Congress, on the Republican ticket, but favoring an early peace. If the war continued—and now that it was partly a defensive war that seemed likely—he was not even averse to a military life. But he was not willing to continue as a private in the artillery.

In a spiritual muddle he decided to solve his future by waiting to see what would turn up. In this mood he wrote to Randolph on August 30:

“ . . . I hoped to have seen you as you passed. [Randolph had mentioned a visit to New England which he contemplated.] I have less regard for those Eastern people now than I used to have, and should care less about seeing them or their country. I cannot help suspecting them of selfish views, and that, if they can collect strength enough they will separate. [New England had been debating secession.] Their policy has certainly been a crooked one. The Quarterly Reviewers say well that the expedition of driving the administration into the war for the purpose of making them unpopular was ‘dangerous and doubtful.’ They might have added that it was dishonest. . . .

"I suppose Stanford told you I was half inclined to turn politician. I did feel something like it—but the fit is over. I shall, I hope, stay quietly here, and mind my business as long as it lasts. I have troubled myself enough with thinking what I should do—so I shall try to prepare myself for whatever may appear plainly to be my duty. That I must make some change, if the war lasts much longer (as I think it will), is very probable; but whether it shall be for a station civil, military, or clerical, I will not yet determine. To be serious, I believe that a man who does not follow his own inclinations, and choose his own ways, but is willing to do whatever may be appointed for him, will have his path of life chosen for him and shown to him, and I trust this is not enthusiasm.

"Our friend Ridgley has really turned politician. He is a candidate for the Maryland Legislature, and it is thought will be elected. I hardly know whether to wish he may succeed or not. He has some good, and, indeed, most excellent qualities for such a place, but he wants others, and will have few, if any, worthy of his confidence, to join him in a stand against the folly and wickedness of both parties. . . . I know some of the men he will have to deal with, who are as cunning as he is unsuspicious. . . ."

In reply to this confession of unaggressiveness Randolph wrote a typical mixture of literary criticism and political science, and—still smarting under his defeat for Congress—referred to their friend Ridgley's ambition to sit in the Maryland legislature: "I would as soon recommend such a man to a hazard table and a gang of sharpers, as to a seat in any deliberative assembly in America." A few days later Randolph wrote Key again:

"Dear Frank: You owe the trouble of this letter to another which I threw upon your shoulders sometime ago. As the shooting season approaches, I am reminded of my favorite gun &c in Georgetown. 'Tis true I have a couple of very capital pieces here, but neither of them as light and handy as that I left at Cranford's, and I fear it may be injured or destroyed by *rust—verbum sap.*

"We have today the account of Perry's success on Lake Erie, which will add another year to the life of the war. Have you seen Woodfall's Junius? The private correspondence has raised the character of this mysterious being very much in my estimation. If you will pardon the apparent vanity of the declaration, it has reminded me frequently of myself. . . ."

On October 5, 1813, Key wrote a lengthy letter to Randolph, which Randolph filed away, labeled in his own hand, "Party Spirit." It was frequently referred to by that extraordinary man. The letter begins by acknowledging, in pretty fashion, Randolph's request for his fowling piece. The son whose birth Key mentions was Daniel, named for Daniel Murray.

"I was thinking of your gun a few days before I received your letter, and determined to rub off some of your rust, and try if I could kill Mrs. Key a bird or two. She has just given me another son, and of course deserves this piece of courtesy. As to amusement in shooting, I have lost it all, though once as ardent a sportsman as yourself. I am pleased to find that you are anticipating such pleasures, as I therefore hope that the complaint you mentioned in your former letter has left you. . . .

"I have never read the private correspondence of Junius. I

have a late edition, and will see if it contains it. I was always against Junius, having sided with Dr. Johnson and his opponents. There was, I know, great prejudice, and perhaps nothing else in this, but since the prejudice has worn away I have had no time to read so long a book. The article you speak of in the *Quarterly Review* (on the Poor Laws) I admire, and assent to more cordially than any thing on the subject I ever saw. . . . What sound and able men are engaged in that work! [the *Quarterly Review*] . . . As to their rivals, the *Edinburgh Reviews*, I believe we should differ in opinion. I consider them as masked infidels and Jacobins; and if I had time, and it was worth while, I think I could prove it upon them. . . . As to Walter Scott, I have always thought he was sinking in every successive work. He is sometimes himself again in 'Marmion' and 'Lady of the Lake,' but when I read these and thought of 'Lay of the Last Minstrel' it always seemed to me that 'hushed was the harp—the minstrel gone.' I believe I am singular in this preference, and it may well be that I was so spellbound by the 'witch notes' of the first, that I could never listen to the others. But does it not appear that to produce one transcendently fine epic poem is as much as has ever fallen to the life of one man? . . . The top of Parnassus is a point . . . there was no room to saunter about on it; if he moved, he must descend; and so it has turned out, and he is now (as the *Edinburgh reviewers* say of poor Montgomery) 'wandering about on the lower slopes' of it."

At this point Key's letter leaves literature behind and enters the discussion of party spirit which so impressed Randolph, perhaps because the paragraph next quoted was intended to contain a picture of Randolph himself:

"I have not heard of Ridgley since his political campaign commenced. It closed yesterday, and we have not yet heard how he has fared. There is a report in town of the Federalists having succeeded in Frederick, which I expected would be the case from P——'s having had the folly and meanness to go all over the county making speeches. Ridgley's election is more doubtful, as the administration are very strong in his county. If he is elected you will write him, but don't discourage him too much. If he can command his temper, and be tolerably prudent, I think he may do some good. If cunning is necessary, he is indeed in a desperate case. I cannot think the duty of an honest man when he consents to become a politician, is so difficult and hopeless as you seem to consider it. He will often, it is true, be wrong, but this may enable him to correct his errors. He will often have to submit to disappointments, but they may make him better and wiser. If he pursues his course conscientiously, guarding against his own ambition, and exercising patience and forbearance towards others, he will generally succeed better than the most artful intriguer; and the worst that can happen is, that in bad and distempered times he may be released from his obligations. [As Randolph had been.] Nor even then is there an end of his usefulness; for, besides many things that he may yet do for the common good, the public disorder may pass away, and when the people are sobered by suffering, they will remember who would have saved them from it; and his consequence and ability to serve them will be incalculably increased, and their confidence in him unbounded. 'Egria virtus paucorum.' I have forgotten your quotation from Sallust—you can supply it. It struck me forcibly, and I believe it admirably suited to these times; and that if this 'egria virtus' can be found among even a few of our politi-

cians, who can be pressed and kept in the public service, we may be safe.

"The opposition making to the administration may succeed (though I do not think it can); but if it did I should hope but little from it; and that, because it is the opposition of a party. If it is the honest party, it would be beaten again immediately; for of two contending factions, the worst must be, generally, successful. This is just as plain to me as that of two gamblers, he who cheats most will commonly win the game. We should therefore, I think, burn the cards, or give up the game of Party, and then, I believe, the knaves might be made the losers. 'Keep up party and party spirit!' should be (if they have any sense) the first and great commandment of the administration to its followers. . . .

"Suppose some ruinous and abominable measure, such as a French alliance, is proposed by the government; will the scolding of the Federalists in Congress gain any of the well-meaning but mistaken friends of the administration, and induce them to oppose it? Will not such persons, on the contrary, be driven to consider it a party question, and the clamor and opposition of these persons, as a matter of course? Will men listen to reasonings against it . . . who are blinded by party spirit? But let such men as Cheves and Lowndes, men who are not party men or who will leave their party when they think them wrong; let them try if conciliation and a plain and temperate exposure of the measure will not be effectual. . . . I am, besides, inclined to believe that the worst men of a party will be uppermost in it; and if so, there would, perhaps, be no great gain from a change. If every man would set himself to work to abate, as far as possible, this party spirit; if the people could be once brought to require from every candidate a solemn declaration,

that he would act constitutionally according to his own judgment, upon every measure proposed, without considering what party advocated or opposed it (and I cannot think that such a ground would be unpopular) its effects would be, at least, greatly diminished. This course might not, it is possible, succeed in ordinary times, and when this spirit is so universally diffused and inflamed; but we are approaching to extraordinary times, when serious national affliction will appease this spirit, and give the people leisure and temper to reflect."

Randolph was tempted to publish this letter although he himself realized that you can no more put down party spirit than you can prevent a young spendthrift from ruining himself.

The explanation of Key's emotional attitude toward violent party feeling is not far to seek. He had in his own family been no stranger to prolonged debates on Hamilton versus Jefferson, Federalist versus Democrat. Indeed, in the Key family the Revolution had been a civil war, and while personal feeling had never developed into anger, controversy had been inevitable. Uncle Philip and John Ross Key had, from the nature of their environments and spirits, taken opposite sides. Key and Taney had been friendly political opponents. When Key wrote this "party spirit" letter to Randolph he could not refrain from thinking of Taney, a Federalist, who had at the beginning of the war sprung to the defense of the Madison administration. Taney had been criticized, insulted, dubbed King Cootie by his former associates in Frederick County! Yet Taney had not been welcomed into Republican circles. Had he not served as attorney for notorious General Wilkinson?

Key and Taney, however, had never quarreled. With Arthur Shaaf they had, in 1812, become trustees under the will of

General James Lingan, who had been killed in the Baltimore riots. Those riots had been sufficiently bloody to sicken any patriot against party strife. General Lingan, a friend of Alexander Contee Hanson of Frederick, and of Jacob Wagner, had been a contributor to the stanch Federalist paper, the *Federal Republican*, which violently opposed the war against Great Britain. A Baltimore mob from the war party had raided the printing office, destroyed the type, the presses, and the building which housed them. Temporarily the paper was resurrected in Georgetown, but it returned to Baltimore, where it was edited in a spacious house in South Charles Street.

Again the Baltimore mob attacked the paper's headquarters, on a night when Hanson and General Lingan were present with their friends Otho Sprigg, Henry C. Gaither, Charles J. Kilgour, Dr. P. Warfield, J. E. Hall, General Henry Lee (whom Randolph had called "the Eulogist of Wilkinson"), Ephraim Gaither, and John Howard Payne, the actor. Someone in the house fired upon the mob and killed a physician named Gale. The mob then got hold of an old militia fieldpiece and attacked the house, but before any further damage was done the militia arrived, the *Federal Republican* stronghold surrendered, and the occupants of the house were carried off to jail for safety. The mob then stormed the jail. The militia, being insufficient to defend the prison, were ordered from the scene. The mob broke into the cells. Hanson and General Lee were cruelly beaten; General Lingan was killed.

Key was acquainted with every man in the jail that night and with many men of the mob who attacked them. The brutality of both factions disgusted him. As trustees under General Lingan's will, Key, Taney, and Shaaf more than once discussed the foolhardiness and intolerance which had reduced patriots to

murder. As they expected, many of the Federalists beaten that night achieved martyrdom and political office. Alexander Contee Hanson attained a seat in Congress, where his hot blood inevitably embroiled him in a duel.

With the perspective of a layman, the memory of the riot still fresh in his mind, Key saw the whole country likely to be rent asunder. He heard the rumors of New England's sentiments for secession from the Union. On the side lines in Washington he heard, during 1813, more threats against American political leaders than he heard against Rear Admiral Cockburn, who, still scourging the seaboard, turned his marines and sailors loose to terrorize women and incite slaves to rebellion. Key begged Federalists to attack Cockburn as a common foe. It mattered little that every other British naval commander along the coast was reported to be a humane officer and gentleman, that only Cockburn was notorious for his cruelty—Americans should unite against the enemy. Moreover, said Key, Americans should unite on a general policy of civic enlightenment. Internal strife would then disappear.

Randolph, with a letter abounding in simple gossip, cheered him. Randolph had had a slight stroke, which he said was very like the spell that had come over him at Woodley in 1807; he would not need his fowling piece. Shoot Mrs. Key a bird with it and congratulate her on the late happy event in her family. "The state of society is radically vicious!" said Randolph.

Obviously Key had his father in mind when he next wrote to Randolph, on November 27, 1813.

" . . . I hope this attack will not be such an one as you had at my uncle's. Pain and sickness are sad companions anywhere, but particularly in the country. It is hard to feel them and think

them the trifles that (compared to other things) they certainly are. He *alone* who sends them can give us *strength and faith* to bear them as we ought. I wish you every relief, but above all, *this*. Let me hear from you as often as you can. Your letters may be short, but I shall not find them meagre. . . . Maryland is in great agitation about the Alleghany election. The returned members will take their seats, and when they have elected the Governor and Council, then their right to their seats will be tried. This piece of jockeyship will degrade and ruin the party forever. Perhaps it is well it should be so; the more each party disgraces itself the better.

"I agree with you, that 'the state of society is radically vicious,' and it is there that the remedy is to be applied. Put down party spirit; stop the corruption of party elections; legislate not for the next election but for the next century; build Lancaster schools in every hundred, and repair our ruined churches; let every country gentleman of worth become a justice of the peace, and show his neighbors what a blessing a benevolent, religious man is; and let the retired patriot, who can do nothing else, give his country his prayers, and often in his meditations 'think on her who thinks not for herself'—'egregia virtus paucorum,' &c. I often think of your apt quotation. . . . God bless you."

Randolph's letters were eagerly awaited by Key at this time. They were realistic. In his next, Randolph said, "Put down party spirit! Put a little salt on the sparrow's tail and you will infallibly catch him. You will put down party spirit when you put down whisky, drinking and that will be when the Greek calends come."

Of Lancaster schools Randolph now wrote:

"I am for the thing, the substance, but not the name. It is stolen by a fellow whom I detest. I hope you have abolished his cruel and stupid punishments in your Georgetown Institution. An article in the Quarterly Review (I think No. XI) satisfied me that Lancaster was an imposter, and a hard-hearted wretch."

Randolph adds a postscript:

"Have you read Lord Byron's *Giaour*? I have been delighted with it. He *is* a poet, as was emphatically said of our P. Henry, 'He is an orator!' "

Key did not reply to this December letter till January 20. By that time he had indulged in many conversations with Major Peter on the advisability of a military career. He felt it his duty—if he were not assigned to fight against "unoffending Canadians"—to take a larger part in the war. He had given up his passing idea of entering the church, but religion still occupied his mind. In his next letter to Randolph he does not discuss the peculiar problems of his career, but reaffirms his orthodox faith:

". . . I can hear nothing of the book you mention from anyone but Swift, who says he heard it spoken of in New York as an ingenious performance. I would read it, and give you my opinion of it, if I came across it, provided it was not too long. I don't believe there are any new objections to be discovered to the truth of Christianity, though there may be some art in presenting old ones in a new dress. My faith has been greatly confirmed by the infidel writers I have read. . . . Our church recommends their perusal to students of divinity, which shows she is not afraid of them. Men may argue ingeniously against

our faith—as indeed they may against any thing—but what can they say in defence of their own? I would carry the war into their territories. I would ask them what they believed. If they said they believed any thing, I think that thing might be shown to be more full of difficulties, and liable to infinitely greater objections than the system they opposed, and they more credulous and unreasoning for believing it. If they said they believed nothing, you could not, to be sure, have any thing further to say to them. In that case they would be insane, or, at best, illy qualified to teach others what they ought to believe or disbelieve.

“ . . . Did you ever read ‘Grotius de Veritate’? I should like to see an infidel attempt to answer that book. . . .”

In the middle of February Randolph replied in a rambling discourse on literature. He said he had been living in a world of lost souls till his heart was dry as a chip and cold as a dog’s nose. “Do not suppose,” he asserted “that the Jew Book has made any impression on me.”

The Reverend Meade was with Key, living in his house as a guest, and that knowledge tempted Randolph to tease both men with intemperate heresy. But Randolph turned inevitably to a discussion of politics and soundly scolded the scurrilous *Federal Republican*, which was still alive, for calling him an “imitator of Lord Chatham.” He liked to confide in Key the many thoughts which he was unable to discuss with a soul at Roanoke. So, in reference to Chatham, he wrote:

“No man is more sensible than I am of the distance between myself and Lord Chatham; but I would scorn to imitate even him. . . . I had as lief be accused of any crime, nor forbidden by the decalogue, as of *imitation*. If these critics choose to say

that I have neglected, or thrown away, or buried my talent, I will acquiesce in the censure; but amongst the herd of imitators I will not be ranked, because I feel that I could not descend to imitate any human being—*Malignum spurnere vulgus!*

"Best wishes to Mrs. Key and the little ones. If Meade be with you, I salute him."

By the time that Key received this letter he had delivered an oration before the Washington Society of Alexandria, Virginia, on February 22, 1814. It was a plea for religious spirit instead of party spirit in the country. At his most sanctimonious, as if the letters from Randolph impelled him to fight for his point of view, he said, "As an indispensable auxiliary to schools for the diffusion of sound principles and real knowledge, I would also recommend the encouragement of those associations whose object is the publication and distribution of Bibles. . . . Where missionaries have labored in vain, the Bible has rapidly made its way, and the idols of ignorance and superstition are falling before it. . . ."

He pleaded for observance of the Sabbath, saying that where "no holy bells knoll to the church there is neither service nor sanctuary" and the Sabbath returns and passes away unheeded, or is made a day "of more than ordinary depravity."

Referring to the perilous times, he cried, "We shall not cease to be a suffering till we are made a more virtuous people. The experience of the world demonstrates, the voice of our Washington assured us, that 'Providence has connected the permanent felicity of a nation with its virtue.'"

In concluding he quoted again from George Washington: "And in the pious and affectionate words of the lamented father of our country, 'May the Almighty Ruler of the world be most

graciously pleased to dispose us all to do justice, to have mercy, to demean ourselves with that charity, humility and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, without an imitation of whose example we can never hope to be a happy nation.' "

Key did not send a copy of this anniversary discourse to Randolph, but a common friend, Joe Lewis, did. Randolph, sick in bed, was in a mood to accept the consolations of religion and to regret his recent strong language against the church. He referred in his reply—to prove that Key had not weaned him from the heretic philosophers—to a tribute by Voltaire to the power of a God he never knew.

Now depending upon the correspondence with Randolph as his only source of inspiration, Key answered promptly, adding a reply to a previous letter of Randolph's.

"I have not yet seen the *Giaour*, but have looked over *The Bride of Abydos*. It has some fine passages in it, but it is too full of those crooked-named out-of-the-way East Indian things. I have long ago, however, resolved that there shall be no such poet as Walter Scott long as he lives, and I can admire nobody that pretends to rival him.

"I should like to have the first numbers of the *Edinburgh Review*. I remember very well the great and shameful change of principle it has undergone. It is to be regretted that it is so popular a work in this country. How came the re-publishers by their recommendations of it? I see you are among them—with some good company, and some rather bad. Is it not desirable that there should be a good American review? One inculcating the sound principles of the quarterly reviews, and exposing our bookmakers, would improve both our tastes and habits. Have

you seen an article in Bronson's select reviews on American song-writing? I do not know who the author is, but I think he could conduct such a work with much spirit. I have seldom, I think, seen a better piece of criticism."

Inside of six months, by violating all the rules of song-writing, Key wrote the national anthem of his country.

He was hurt by Randolph's reply in the month of May. Randolph, daily more crotchety, said with justice that he thought Bronson's review was made of scissors. Randolph suggested that a review such as Key mentioned would be beneficial, and then explained that in spite of its hankering after France, the *Edinburgh Review* struck him as containing noble specimens of criticism, although the abuse of himself was "puerile." Then Randolph, not unlike Byron himself in his wild moods of despair and self-pity, upheld Byron against Scott, pleaded with Key to change his opinion of the author of *The Giaour*, "this singular author and yet more singular man." In concluding his letter, Randolph mentioned that Meade was going to preach in the Capitol at Richmond on the subject of the Bible societies, and asked Key to give his regards to Mr. West and Mr. Ridgley.

It was some time before Key could resume his regular correspondence with Randolph. The British ships under Cockburn had reappeared in the Chesapeake. Key got out his artillery uniform and Mrs. Key sewed epaulettes on it, for he was made a lieutenant. He now had no compunctions about the war. Within a few weeks Cockburn anchored off the old Key estate at Leonardtown, then proceeded up the Patuxent, frightening Roger Brooke Taney's mother to Frederick, where she remained till she died.

With his friends in Georgetown Key celebrated the downfall of Napoleon—the flight to Elba, before the Hundred Days and Waterloo—without facing the fact that now Great Britain could devote her more earnest efforts to the American campaigns. Already 4,500 of Wellington's Invincibles and Nelson's sailors were on their way from France, by way of Bermuda, commanded by Major General Ross and Vice Admiral Cochrane, under orders to unite with Cockburn's raiders and lay waste the Chesapeake coast. The retaliation for the attack on the Canadian border had begun.

Many Britishers never knew that their country was at war with the United States. British magazines, reviews and reprints, even London newspapers, continued to reach Key in Georgetown, Randolph in Virginia. Editions of Scott, Byron, Burns and Tom Moore were not once halted in their sweep of American popularity.

Except when bivouacked beyond reach, Key lived at his home in Georgetown after he reëntered the artillery. He was a poor soldier. He had for so long a time occupied a high social position, as had most of his comrades under Peter, that he could not accept military discipline seriously. And he had never been trained to command.

The records of the War Department, furnished through the courtesy of the adjutant general, state that Key served as a lieutenant and quartermaster from June 19 to July 1, 1814. He wrote to Randolph of his promotion.

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## CHAPTER IV

### PRELUDE TO THE ANTHEM

#### MAJOR PETER'S ARTILLERYMAN

HIS station military was not glorious. His temperament was decidedly unmilitary. He was not the aggressive sort of quartermaster that was needed in 1814 to wrest farm horses from the plow traces and wheedle provisions from the cellars of his neighbors. The artillery had no baggage train and sadly wanted experienced foragers. The force had now become a battery under Colonel Magruder, and thus it marched off toward the Patuxent to meet Cockburn in the latter part of June. The battery, representing the "worth, wealth and talent" of Georgetown and the District of Columbia, was only just democratic enough to include in its ranks young George Peabody, a clerk in his uncle's dry-goods store, who later amassed a fortune in England and became a great philanthropist.

Key dispatched a note to Randolph as he rode off. Randolph himself, no longer constrained to regard the hostilities as a conquest of Canada, had leaped from his sick bed to defend the Old Dominion from possible invasion. The fleet under Cockburn, not yet augmented by Cochrane's frigates and gunboats, had for some months been menacing southern Maryland and had proceeded from Leonardtown up the Patuxent.

In this June fortnight of campaigning Key for the first time beheld the enemy, somewhere near Benedict. But Peter's artil-

lery did not engage with them. Of his "adventures by land and flood" Key reported whimsically that he had come a cropper from his horse into the river, to the mirth of his comrades and the ruination of his uniform. He was, also, accidentally struck in the face by a piece of salt pork. Such were the hazards of the young quartermaster. It was not his preconceived idea of soldiering, and he wrote to Randolph that he had "had enough of the wars."

In July he returned to Georgetown to await instructions from the War Department. The Tenth Military District, under General William H. Winder, had been erected. Peter's troops, though permitted to return home, were subject to immediate call. Key pleaded with his wife to hasten with the children to the safety of Terra Rubra, since there might be an attack on Washington and Georgetown, but Mrs. Key refused to flee while her husband was in all likelihood to be exposed to further danger.

No one knew whether the British fleet—when it was reinforced by Cochrane—would come up the Potomac to assail Washington and Alexandria or whether it intended to attack Annapolis or Baltimore. President Madison and Secretary Monroe considered it unlikely that an enemy would attack Washington, which was then an insignificant town of only nine hundred houses and of no strategic importance. But the citizens of Washington believed otherwise. Banks suspended payment. The courts closed. Young men who had not enlisted under Peter went to Baltimore to join under William Pinkney, Senator Smith and General Stricker, to assist in the defense of that city.

Throughout July and the first weeks of August, when it was obvious that a British invasion was threatened in some direction, Key does not always seem to have remained with Peter's

battery when it occasionally marched out to bivouack at the Woodyard. Major Peter, by no means an amateur warrior, had not sufficient authority over his volunteers to insure training and discipline. Members frequently absented themselves from drill to keep dinner engagements, to change their linen, to attend to their household affairs.

A private, disgruntled by the informality of Peter's Artillery, wrote an anonymous letter to the *National Intelligencer* saying that while he did not wish to reflect on the ability of Major Peter and his captains, nevertheless more experienced officers and noncommissioned officers would make the artillery more respected by friend and foe alike. This unknown private was evidently in ignorance of Peter's record as a soldier.

Peter's valor and experience had no chance of whipping a battery into shape in a month. What could be done with privates and lieutenants who had dined with Secretary of War Armstrong, who knew President Madison well, who had sat beside Attorney-general Pinkney in the law courts, who had drunk many bumpers off of Peter's own sideboard and ridden to his pack of hounds?

Peter was a month younger than Key but much more a man of the world. At fifteen he had served against the Whisky Insurrectionists; at nineteen he had received his sword from General Washington at Mt. Vernon when President Adams had appointed him a second lieutenant. From that time onward his sharp features and crisp voice had been familiar as far away as Louisiana; he had established the first army post on the Missouri, at Bellefontaine, where he had enjoyed the distinction of firing the first salute to Lewis and Clark upon their return from the expedition to the Pacific. He had served under Wilkinson at New Orleans. During Jefferson's administration

he had, as a captain, been in command of Fort McHenry at Baltimore, where he organized the first light-horse battery in the federal service. Then, after attending the Burr trial, he had resigned from the army to straighten out his private affairs, which were indeed so pressing that he was unable to accept a brigadier-generalship from Madison at the outbreak of the war. By 1813, however, with his Montgomery County plantations thriving and his Georgetown house the hospitable center of gay society, he conceived it his duty to raise a flying battery of volunteer artillerymen.

Typical of the organization, Key was too mature and at the same time too inexperienced a soldier for Major Peter to mold him into a military man or even a good quartermaster. Like the rest, Key owned his own horse and had paid for his own uniform. He carried his own pistols. The light artillery could not get hold of enough fieldpieces.

But it was as competent a military unit as the rest of General Winder's force, to which it was assigned. That is not flattery. In the history of America there has never been such a raw and untrained army as the one which awaited the British at Washington in August, 1814. Virginia troops, arriving in answer to the authorized call for militia, slept in the House of Representatives and did not even join the main force under Winder. Not a militiaman from Pennsylvania or Virginia, although they had been given ample notice, arrived to take part in the battle of Bladensburg.

Of heroes there was only one, Joshua Barney, an officer of the navy. With a small flotilla in the Patuxent he kept Cockburn's vessels out of shallow water through July.

At the end of July Key wrote to Taney, who was at Frederick, describing the lack of preparations to defend Washington. He

evidently included mention of the British reinforcements who had arrived under Vice Admiral Cochrane in an eighty-gun ship, with several thousand seasoned regulars fresh from the war in Europe. Taney was alarmed. In western Maryland the militia, who as loyal Democrats had voted against Taney and for war, ignored the call for their presence in the army. One troop of dragoons rode out of Frederick early in August but most Frederick County men were completely lethargic. Taney, exasperated, wrote to his friend General Wilder on August 4, saying:

"We are told that the city of Washington could be taken by a few thousand British troops. You have no doubt thought on the consequences likely to follow such an event. They would certainly be most disastrous to Maryland—and in the present unhappy state of the public mind, I doubt whether the Union of these States would survive the shock produced by the loss of the Capital.

"If Washington is to be defended, it must, under present circumstances, be defended by the militia. If the people who compose that militia are suffered to remain in their present state of consternation or apathy, evading or disregarding the calls made on them while they are remote from the scene of danger—and seeking safety when the enemy approach by remaining inactive at home, there would seem to be little hope of any effectual resistance. The two great parties who divide the country are too busy quarreling with one another & preparing for the ensuing elections to bestow much thought on defending the country against the common enemy.

"Scarcely any one marches willingly, or encourages others to march, and this state of public feeling is likely to continue,

unless some measures shall be taken to rouse the people, and animate them with the spirit of resistance. If those who are in authority at Washington will give themselves a little trouble they might easily make their political friends ashamed of abandoning them in the midst of the perils into which they have encouraged them to go. But still more I depend on the efforts of the Governor of Maryland. No man more entirely possesses the respect and confidence of the people over whom he presides than Governor Winder. The calumnies of a few printers are no indication of the public sentiment. If the people are satisfied he is in earnest they will rally round him. His presence in this part of the State will have the best effect."

In spite of the apathy of the militia which Taney described, Secretary of War Armstrong in Washington opposed the request of General Winder for more troops to be trained and organized. Said Armstrong, "The most advantageous mode of using militia is upon the spur of the moment, to bring them to fight as soon as called"!

As a quartermaster, Key must have been confused by the folly of calling men—regulars or militia—to fight without guns, provisions or wagons. The credit of the government now depended upon the bounty of such cities as Baltimore and New York. Even Commodore Barney had to borrow horses from farmers to transport his fieldpieces. Militiamen broke ranks while marching to search for refreshments.

While the American army under Winder was attempting to collect itself for the defense of Washington, and Baltimore and Annapolis anxiously awaited the appearance of the enemy in their vicinity, Vice Admiral Cochrane, joining Cockburn and taking command of the fleet while Major General Ross as-

sumed leadership of the land troops, stood up the Patuxent. The British came to Cockburn's old anchorage at Benedict and on a hot August day, the twenty-first, landed troops. Now, had the Americans been prepared, they could have struck. The British troops, torpid from the heat and the lengthy sea voyage, lay down in the shade and could scarcely be induced to shoulder their arms and march inland.

Commodore Barney, under orders, blew up his small flotilla and fell back to the Woodyard.

As yet no one knew whether this British land force was bound for the Potomac and Washington or whether it might bend north toward Baltimore and Annapolis.

It was a Sunday afternoon when the British came ashore. The scattered American army remained where it was, just outside of Washington.

The British themselves had no definite objective. Ross's troops had landed to eliminate Barney's troublesome flotilla. Barney had favored him by blowing it up himself. Meanwhile Cockburn, following Vice Admiral Cochrane, received word from Ross to meet him at the town of Upper Marlborough, where he had made an encampment and found headquarters. Upon his arrival Ross had had a brief brush with Peter's artillerymen, who had at once retired.

General Ross quartered himself in the handsomest mansion of the town, the home of Key's friend, Dr. William Beanes.

Dr. Beanes, then a man of sixty-five, is said by some historians to have told General Ross that he was a Federalist and averse to the war. This is unlikely. The most single-minded Federalist did not sympathize to that extent with Cockburn, whose reputation for vandalism was known first-hand through-

out Prince George's County, in which Upper Marlborough is situated about sixteen miles from Washington. Dr. Beanes counted himself a patriot. When a young man in the First General Hospital in Philadelphia he had, as a surgeon attached to the Continental Army, attended the wounded brought from as far away as Long Island. He had amputated feet frozen at Valley Forge and he had bandaged the fresh wounds from Brandywine.

Key undoubtedly had first met Dr. Beanes at the Scott house in Annapolis. He often rode over from Georgetown to Upper Marlborough to call on him. The venerable physician was married to a niece of John Hanson's and was in a round-about way a distant relative of Key's. Although a distinguished scientist, one of the founders of the Chirurgical Faculty of Maryland and a member of its Examining Board, Beanes remained a country doctor. He did not devote all his time to medicine. He entertained handsomely in the finest house in Upper Marlborough. As the owner of the local grist mill and outlying farm land he had, as his gray hair marked him a patriarch, become the dictator of the community. He was "bossy." No tree could be cut or planted without his sanction. No fence was considered truly aligned until his eye had squinted down the post row. In front of his house, which stood on the site of the present high school, he maintained his office in a small, detached brick building. He risked no epidemics to upset the comfortable home life he loved so well.

His summer garden, which rivaled the greenhouse of Dr. Scott or Key's conservatory in Georgetown, was his pride and joy. He was enjoying himself there when General Ross pitched camp outside the town and then presented himself, requisi-

tioning the use of the doctor's house as headquarters. Ross was courteous but firm. The polite old doctor, with no alternative, submitted.

Rear Admiral Cockburn, coming ashore and proceeding to Upper Marlborough, met Ross at the Beanes house. There is no doubt that the doctor's servants were accommodating, that the British staff officers enjoyed more than one bottle from the doctor's excellent cellar.

Cockburn suggested that the troops march at once to Washington. Ross at first demurred. Of what advantage was it to take that rustic settlement and a few public buildings, even though it was the seat of the government?

"Glory!" said Cockburn.

Ross raised the objection that he was ignorant of the country, that Washington was defended by the American army, that he had no cavalry or heavy artillery. The fleet in the Potomac might not arrive to coöperate. It was too rash an undertaking for such a slight military advantage.

Cockburn, whose informants had reported the defenseless condition of the city, had his eye not alone on the glory of occupying the nation's capital but on the ransom which the government might be expected to raise to save the public buildings. In his coast campaigns Cockburn had not seized sufficient loot to compensate him for his lack of prize money at sea.

Cockburn's counsel prevailed. General Ross on the next day issued orders approved by Vice Admiral Cochrane—who had already been in communication with the Madison administration, although his threat to lay waste the shore was not delivered until after the occupation of Washington. The British army moved forward a few miles. Cockburn and Ross returned to the Beanes house for the night.

This was August 23, 1814.

General Smith of the Maryland militia and Commodore Joshua Barney now wished to attack. The president, the secretary of war, and the secretary of state had ridden out to review Winder's troops. They were scarcely recognized amid the noise and confusion.

The entire cabinet was in the saddle. Secretary of War Armstrong, inept, lethargic, returned to Washington to receive General Winder, who, riding hither and thither, had no knowledge of where half his own army was, let alone the foe's.

Key volunteered suggestions to cabinet members who paused at Peter's battery, which had returned from its harmless jaunt to Upper Marlborough.

In Washington there was the greatest fear and excitement. Citizens fled toward Georgetown and Virginia. Many ran afoot up the Frederick turnpike. Key was alarmed about the fate of his family. He expected Taney to arrive to escort them to the redlands. A young doctor named Baer, from Frederick, brought word that Taney had written a letter to General Winder recommending him as a surgeon. Many of Key's friends and acquaintances, carrying fowling pieces, had come out to be with the army. It was difficult to distinguish civilians from soldiers. Such was the condition of the army when President Madison rode out to review it.

The secretary of war had not yet brought himself to believe that Washington was the point threatened. He did nothing to encourage Winder or to form the army in a position to defend the city. If Commodore Barney and General Smith had been permitted to meet the British they must have routed the force to their shipping. Instead they were ordered to await news of the British army's whereabouts. The only dependable information

Winder had of the enemy forces had been gathered by Secretary Monroe on a reconnoitering expedition on August 18, five days before.

Before the war Winder had been a lawyer in Baltimore. His hodge-podge army included not a single militiaman from Pennsylvania or Virginia and only about a third of the militia he had called upon from Maryland. Not even the full quota had turned out from the District of Columbia.

When messengers arrived at about ten o'clock on the morning of August 24 with the startling news that the British were approaching Bladensburg, a small village at the east branch of the Potomac just outside of Washington, Madison and the cabinet were with Winder. The army, under confusing orders, immediately moved toward Bladensburg through the hot morning sun, but not before Commodore Barney, ordered to wait and blow up the wooden bridge he was ordered to defend, shouted in the presence of the president that it was "damned absurd for him and his five hundred men to wait to blow up a bridge that any damned corporal could better do with five." Barney was permitted to hasten toward Bladensburg.

At Bladensburg there was another wooden bridge over the stream, though it was easily fordable, and Stansbury with the Baltimore militia was the only commander on the ground. He had retraced his steps (he had been marching to converge with Winder's troops near the Capitol) and his men were cooking their lunch over open fires when they were aroused by the drums. Stansbury announced that the British were approaching. They were ordered to give battle where they stood.

The president and the cabinet, preceding Winder's army and taking a hand in the disposition of the troops, soon beheld, at high noon, the enemy forces halted on Lowndes Hill recon-

noitering their position. Their light brigade was ready to attack.

### BLADENSBURG

It was a mob against Wellington's Invincibles—Winder, a lawyer who had never commanded more than a thousand men, against a British major general accustomed to large commands and educated on the battlefields of Europe where he had been a protégé of Wellington. On that hot, sultry noon the advantage lay with the American mob, for they occupied a slope not difficult to defend, with which they were familiar, and which moreover was the approach to the capital of their government only four miles away. To advance the British must cross a stream and charge uphill into unknown terrain, against a force that, whatever its weakness, outnumbered their 4,500 men by at least a thousand.

It was audacity against confusion.

With the exception of the few regulars and Barney's sailors Winder's army consisted entirely of Maryland militiamen mobilized only that week. Their munitions, rations, transportation, and supplies depended almost entirely upon luck. Hungry, thirsty, undisciplined, they listened to whatever officer shouted the loudest. Men broke ranks, fascinated by Secretary of State Monroe trying his hand at military evolutions and altering the order of battle. It was not altogether Winder's fault that the successive-line formation was adopted, making it possible for the British to overwhelm each line in detail. He could not prevail against cabinet officers who offered plans and gave commands. In desperation he ignored the rear and the reserves and rode toward the bridge to prepare for the first impact of the British attack. As he passed Peter's Artillery, a short distance

to the rear of Stansbury's brigade, he met several gentlemen, among them Francis Scott Key, making suggestions for the disposition of the District of Columbia troops who were on their way out from the city. In his report Winder said, "Mr. Francis Key of Georgetown informed me that the troops coming from the city could be most advantageously posted on the left and right of the road near that point. General Smith being present, Mr. Key undertook, I believe, being sent for that purpose, to show the positions proposed. I left General Smith to make a disposition of these troops and proceeded to the bridge. . . ."

Overcome apparently by his amateur enthusiasm, Key did not at once rejoin Peter's Artillery but rode about the battlefield, offering advice to other distracted officers. Before the troops and artillery had located their positions the action commenced.

President Madison galloped away, followed by the attorney-general. Monroe and the secretary of war remained.

"At this time, [writes Ingersoll, a congressman, lawyer, and historian of the war] General Winder became greatly annoyed by numerous self-constituted contributors of advice, suggestors of position, and intermeddlers with command, gentlemen of respectability and good will; committees, a whole democracy of commanders, industriously helped to mar all singleness of purpose and unity of action. Arriving at the bridge while Col. Monroe was displacing cornerstones of the combat, General Winder met several gentlemen, among the rest Mr. Francis S. Key, not only recommending, but showing where they thought the troops ought to be posted, riding to the spots designated and confusing the outset. Other bystanders were present at the spectacle as such, among them Alexander McKim, the Balti-

more member of Congress, on one of his fast trotting horses—a rich merchant who said that having voted for the war, he could not find it in his conscience if not to fight for it, at least to stand by those who did.”

Not knowing that the river was easily fordable, the British concentrated their action in the direction of the bridge. The light brigade descended the hill into Bladensburg and entered the village without resistance. As the light brigade began to cross the bridge the Baltimore battery of artillery and the infantry under William Pinkney drove them back with deadly effect, nearly a whole company of British troops falling at the first discharge. But the second line of the British came on, advancing steadily, throwing Congreve rockets as they approached. The rockets completely shook the courage of the rustic militia.

By this time Key must have rejoined the artillery under Peter, which consisted of six six-pounders. Peter's artillerymen were situated along the road to Washington, where cross-fire was almost impossible. “The range of their guns was principally through that part of the field occupied by the 36th regiment. To remove one or the other was necessary,” said General Smith, “and the difficulty of the ground for removing artillery, and the exigency of the moment left no alternative. The 36th fell back.”

As the British advanced everyone fell back except the officers, who strove to arrest the panic, and Barney with his expert artillerists. Instead of retreating down the Washington road and contesting every foot of the way the raw militia got out of hand. The retreat became a flight. Most of the fugitive army flew down the Georgetown road, which branched off of the Washington road, into the safety of the forests and fields.

Peter's Artillery were among the last to fall back from the Washington road, but they too fled, leaving the gallant Barney sitting on a bay horse which he had borrowed from a farmer named Duvall, about to fall wounded as his mount was shot from under him.

As the British marched bravely into Barney's guns he ordered his sailors to cut their way through the British flanks and escape—but they too chose to join the rush to the rear. Lone hero of Bladensburg, Barney was captured. So struck were the British by his valor that he was promptly paroled.

With Peter, Key retired under orders. Said General Smith in his report:

"The troops of Washington and Georgetown have been assailed with calumnies as unmerited as they are cruel and wanton. They have heard of them with indignant astonishment. Conscious that in no instance have they been wanting in the duty they owed to their country or to themselves, but, on the contrary, in obedience to the call of the government, have with alacrity obeyed its orders, and intrepidly fronted an enemy vastly superior in force, and never yielded the ground to him but by orders emanating from *superior authority*, they can not restrain the feelings excited by such manifest, such unprovoked injustice."

Winder himself suffered mortification such as few American generals have ever undergone. Describing his retreat beyond Georgetown, he wrote:

"Here was evinced one of the great defects of all undisciplined and unorganized troops; no efforts could rouse the offi-

cers and men to the exertion necessary to place themselves in such a state of comfort and security as is attainable under very disadvantageous circumstances. Such of them as could be halted, instead of making these efforts, gave themselves up to the uncontrolled feelings which fatigue, exhaustion and privation produced, and pursued their way, either toward home, or in search of refreshments and quarters."

The next day Winder tried to rally his troops at Montgomery Court House, the direction in which most of them had fled, but he was too late to defend Washington. Demoralization and insubordination had wrecked his rabble army.

The city of Washington was shamefully abandoned. Pinkney rode leisurely down the street, regardless of his broken arm, cursing the poltroonery of the militia. Monroe and the cabinet led the stampede from the city. The secretary of war fled all the way to Frederick with a wagonload of archives. The British, exhausted as much by the August heat as by the violent exercise so soon after their confining voyage, shouted derisively but did not pursue the American stragglers. They were too weary to bury their dead—their casualties had far outnumbered the Americans'. The British dead numbered 64, wounded 185; the American dead numbered 25, wounded 41.

The American army of more than 5,000 had lost only 66 men in action but thousands in flight. The rout choked the Georgetown road. Sweating infantrymen cursed lucky cavalrymen and artillerymen who did not need to plod on foot in the dust and heat. Carriages were seized from fugitive citizens, from women who had left their bread warm in the ovens to join the frightened throng.

Washington was demoralized as Francis Scott Key, his horse

steaming, his face dirty, his uniform wet from perspiration, rode out Pennsylvania Avenue to Georgetown amid the weeping exiles. He feared that the British would continue to Georgetown, that their ships down the Potomac would arrive, and that his family would be terrorized while he was ordered elsewhere with the artillery. He begged his wife, who was anxiously awaiting his return, to depart at once for Terra Rubra; but she refused to leave him behind.

A young man named Landis, son of the overseer at Terra Rubra, whom Key had placed as an apprentice at a trade in Washington, now arrived to say that the British were entering the city. A fleet was reported sailing up the Potomac.

That night in Georgetown Key and his neighbors who had been in the "foot-race" of Bladensburg attempted to rationalize the confusion of the day's battle. The scapegoat of Bladensburg had already been created—Secretary of War Armstrong, who was then on his way to Frederick and who resigned ten days later, leaving the conduct of the war to Monroe. Armstrong deserved all the criticism he received because of his known belief, previous to the battle, that so unstrategic a place as Washington would not tempt an enemy the incredible distance of fifty miles inland from its shipping and supplies. He had scoffed at the idea of a British fleet in the Potomac coöperating with the invading army.

Why, during the British advance, he ordered no attempt to cut them off from their shipping, to harass them from the moment they set foot ashore at Benedict, will never be known. The British expected it. The enemy had actually been about to retreat from Bladensburg, fearing obvious offensive strategy, when the pell-mell, shameful, disorganized flight of the Americans gave them the victory.

Now Georgetown became the scene of riot and confusion. By nightfall half the citizens of Washington, following the runaway president, cabinet, officers and militia, were streaming past Key's front door—a noisy, hysterical, weeping mob—some of them bound for Virginia, some turning up the Frederick turnpike. In his house Key silently packed bags for his family, carefully kept the children indoors, and bolted the windows in spite of the suffocating humidity.

### THE BURNING OF THE CAPITOL

The night of August 24, 1814, is a low mark in American history. While Key in Georgetown awaited orders, news, or his wife's decision to depart, President Madison and his cabinet met Mrs. Madison at Georgetown. Valiant Dolly Madison, sitting in the President's House during the battle of Bladensburg with a coach waiting at the door and the mayor of the city begging her to leave at once, had plainly heard the firing, then the lull, then the voices of the retreating soldiers who had come by way of Washington instead of running directly out the Georgetown road. She remained there so stubbornly that she scarcely had time to cut a Stuart portrait of Washington from its heavy frame and run with it as the first British soldiers, escorting Cockburn and Ross, arrived at the mansion's door.

The banks had closed and money was not to be had. The government, deep in debt, had been unable to sell bonds and cheap paper money had flooded the town. Most of the specie had found its way into the hands of sly British shippers, who throughout the war secretly traded with Americans, particularly in New England.

The president and the cabinet, when they left the city, had conceded that it would be taken. The secretary of war, before

he started for Frederick, ordered the officer in charge of the navy yard to blow it up rather than defend it.

Cockburn and Ross, after discovering that the local physician in Bladensburg was dying of dysentery, dispatched several wagonloads of wounded officers in the direction of their fleet. Some of them are said to have been treated by Dr. Beanes, whose house at Upper Marlborough remained under a British guard.

Then, leaving their weary army lolling in the shade among the corpses of their comrades, Cockburn and Ross, with a bodyguard, rode into the city of Washington. The only resistance these British officers met was from a civilian who shot and killed Ross's horse under him, firing from the window of a house that had been owned by Mr. Gallatin, at the moment a peace commissioner with Mr. Clay at Ghent. The house was at once set afire.

Proceeding to the Capitol, the handful of troops forming Cockburn and Ross's bodyguard fired into its windows, seized it in the name of the king, and entering the Hall of Representatives, so recently an emergency militia barracks, piled all the furniture into a heap and applied the torch. In smoke, ashes, and flames the great library which Jefferson had begun and fostered, the historic archives, the priceless furnishings of a noble public building, perished forever.

Not a solitary American soldier raised a hand against this dreadful occupation.

Sending for the remainder of the army, Cockburn rode down Pennsylvania Avenue to the President's House. The torch was again applied. The flames, now that it was grown dark and a black thundercloud hung low over the city, cast a shadow in Georgetown. The next building to fall before the torch was

the treasury, by the illumination of which, at the point of a gun, Cockburn ordered a housewife who had not fled—a Mrs. Suter—to prepare dinner for him and Ross and their staff.

While Cockburn dined with Ross—who was throughout opposed to this senseless, brutal destruction of an undefended town but who was compelled to act under Admiral Cochrane's orders to devastate the country—the thundercloud which had throughout the evening threatened the city let loose its fury.

It was a tornado, a cyclone, an awful accompaniment to the flames which it whipped beneath it. Far out in the country it drenched unhappy Dolly Madison till, unrecognizable, she was at first refused admittance to a respectable tavern where she had planned to meet the president.

After dinner at Mrs. Suter's General Ross, anxious about his troops whom the wind and rain had driven from the shelterless Capitol grounds, hurried with his staff to preserve order among the soldiers. Instead of returning to his detachment of marines Admiral Cockburn sought amusement; he spent the night in a brothel.

While pelting rain followed the wind and lightning there sounded an explosion like a blast from the earth rather than the sky. A careless Britisher had thrown into an apparently dry well a torch which he had used to fire two rope walks; the well, full of stored gunpowder, erupted like a volcano. Scores of men were blown into eternity, their bodies hurtling high as the tree tops; and as many more were maimed and crippled for life. It was, like the storm, a threat to the peace of mind of the British, who had no means of knowing how near the American army was to the city.

At dawn of the next day Cockburn gave the order to fire the war office and the building of the *National Intelligencer*. Ac-

according to Headley, a historian of the war, "The pillage and riot of the preceding day again sent terror through the city." Ingersoll's account of Cockburn on the morning of the twenty-fifth, after a night of debauch, includes the following picturesque description:

"Cockburn was merry in his grotesque rambles about Washington, mounted on a white, uncurried, long switch-tail brood mare, followed by a black foal, neighing after its dam, in which caricature of horsemanship that harlequin of havoc paraded the streets and laughed at the terrified women imploring him not to destroy their homes. 'Never fear,' said he, 'you shall be much safer under my administration than Madison's. Be sure,' said he to those who were destroying the types of the National Intelligencer, 'that all the C's are demolished, so that the rascals can no longer abuse my name as they have done.' "

General Ross, it is generally reported, deplored his own presence at this unforgivable and wanton destruction. Asserting his authority he finally succeeded in convincing Cockburn that they would soon be at the mercy of the militia who were reassembling at Montgomery Court House. The British organized a strategic departure. An order was issued forbidding the citizens of Washington to leave their houses or appear on the streets after dark on the night of the twenty-fifth. The British bonfires were stacked high on the Capitol grounds, as if the enemy slept there surrounded by sentries. Then, marching silently from the city, the invaders traveled stealthily back toward Bladensburg, where a handful of their force was still encamped. An able commander with trained men could have raided that camp and seized all the British forces in the capital

—but Winder, under orders to prepare next for the defense of Annapolis and Baltimore, made no attempt to separate the invaders from either their fleet down the Potomac or their distant ships in the Patuxent.

The British army had evacuated Washington unharassed, unhindered, believing that the populace, subdued by their own fear, was willing to concede the conquest of the continent. At Bladensburg they halted for the soldiers to pick up their knapsacks and equipment which they had dropped the day before. They did not tarry. The corpses of their comrades, many of them stripped of clothes and gleaming in the moonlight, had already begun to decay in the hot, wet air. It remained for the Americans to bury not only their own dead but many of the British who fell at the bridge of Bladensburg.

Throughout the night the British marched till they fell asleep in their tracks. Halts for rest were forbidden. Soldiers collapsed and could not be roused. Stragglers were numerous. Farmhouses were ransacked by plodding Englishmen, many of whom sought only a bed to lie in. Wellington's Invincibles, sated with a costly and weary victory, could have been mowed down in the darkness, but there was not a solitary American picket to challenge them. They halted at dawn. The men lay down like the dead and slept under the blazing sun till high noon, when they were aroused, some with whips and bayonets, and marched beyond Upper Marlborough for the night's camp.

Ross and Cockburn at once sought the residence of Dr. Beanes, where they had left some of their baggage. They found the doctor busily attending to the wounds of officers who had been fetched from Bladensburg. Again perforce he acted as their host.

General Ross, still anticipating an attempt to separate him from his commander-in-chief, Vice Admiral Cochrane, inspected the encampment, gave orders for an early march the following day, and continued with Cockburn and the staff in the direction of Benedict, thirty miles away, where the fleet awaited him.

For the first time since August 21, Dr. Beanes enjoyed the use of his own house without guards and enemy officers about him. The wounded officers were borne away. On the following day, August 27, he invited two of his close friends, Dr. Hill and Mr. Weems, to partake of a glass with him in his summer garden.

#### A GUEST OF THE ENEMY

At about the time that Dr. Beanes seated himself for a quiet afternoon with friends in his garden, Key in Georgetown was preparing to resist a new menace. The British fleet in the Potomac, which had not appeared in time to coöperate with Ross's movement on Washington—a delay which hastened Ross's evacuation of the city—had plundered Alexandria, Virginia. It was fully expected that the fleet would now attempt a similar raid on Georgetown, a port from which they might well add to the 16,000 barrels of flour and 1,000 hogsheads of tobacco which they had seized, with 21 merchant craft and other valuable property, at Alexandria.

Roger Brooke Taney, hearing of the marauders at Alexandria, hastened to Georgetown to escort Mrs. Key and the children to Frederick County. He had, he told Mrs. Key, come at the urgent request of Mrs. Taney and of Key's father and mother, who were "very anxious about the situation of the Key family."

"If the attack was made," wrote Taney, "Mr. Key would be

with the troops engaged in the defence; and as it was impossible to foresee what would be the issue of the conflict, his family, by remaining in Georgetown, might be placed in great and useless peril."

The British ships were still at Alexandria when Taney arrived at Key's house in Georgetown. Militia and volunteers re-assembled after Bladensburg were gathered by the batteries along the shore, busy with preparations for defense. Key was with them. Like every local citizen he was still indignant about the blunders made by Secretary of War Armstrong, and it is very likely that he was one of the committee who waited on President Madison, who had returned, asking that Armstrong be dismissed. The president, happy that he himself had escaped the brunt of local criticism, complied with the committee's wishes by sending Armstrong to Baltimore, whence a few days later he wrote a brief resignation, and on second thought a communication accusing Madison of yielding to the "humors of a village mob."

It is possible that Taney assisted in the preparations at the Georgetown batteries. Mrs. Key, still refusing to leave home while her husband was daily exposed to danger, invited Taney to stay, which he did for several days until the fleet departed. Taney wrote: •

"On the evening of the day that the enemy disappeared, Mr. Richard West arrived at Mr. Key's and told him that after the British army passed through Upper Marlbro', on their return to their ships, and had encamped some miles below the town, a detachment was sent back, which entered Dr. Beanes's house, compelled him to rise from his bed, and hurried him off to the British camp, hardly allowing him time to put his clothes on;

that he was treated with great harshness, and closely guarded; and that as soon as his friends were apprized of his situation, they hastened to the headquarters of the English army to solicit his release, but it was peremptorily refused, and they were not even permitted to see him; and that he had been carried as a prisoner on board the fleet. And, finding their own efforts unavailing, and alarmed for his safety, his friends in and about Marlbro' thought it advisable that Mr. West should hasten to Georgetown, and request Mr. Key to obtain the sanction of the government to his going on board the admiral's ship under a flag of truce, and endeavoring to procure the release of Dr. Beanes before the fleet sailed. It was then lying at the mouth of the Potomac, and its destination was not at that time known with certainty."

When Key inquired why the British had seized Dr. Beanes, West explained that the doctor, with his friends Dr. Hill and Mr. Weems, had been enjoying the cool of the evening in the doctor's summer garden, drinking discreet toasts to their deliverance from the enemy, when they were annoyed by shouts and commotion in the streets of the village. Straggling British sailors and soldiers, "who had left the ranks to plunder, or from some other motive," were noisily invading the local tavern and making a nuisance of themselves. The annoyed doctor had seen no reason why these stray ruffians should disturb the peace. Seizing a pistol, he, with his two guests, headed a body of citizens that arrested the stragglers and threw them into the county jail at Upper Marlborough.

"Information of this proceeding [wrote Taney] was, by some means or other, conveyed to the English camp; and the detach-

ment of which I have spoken was sent back to release the prisoners, and seize Dr. Beanes. They did not seem to regard him, and certainly did not treat him, as a prisoner of war, but as one who had deceived, and broken his faith to them."

Dr. Hill and Mr. Weems, who were strangers to the British officers, had been at once released, but Dr. Beanes had been put on a hard-gaited, "cadaverous" horse and compelled to ride the entire thirty miles to Benedict that night. One version of the seizure of Dr. Beanes states that the doctor and his friends, elated at the departure of the British, had imbibed too freely and were noisier than the stragglers that they jailed.

The British charged the doctor, a private citizen, with attacking one of their soldiers.

During the use of the doctor's house as headquarters the doctor had furnished the general officers with everything they required, including wine and tobacco, and they had treated him "with much courtesy, and placed guards around his grounds and out-houses to prevent depredations by their troops." But the British officers felt that the moment their backs were turned the elderly doctor had broken an unspoken pledge to offer no resistance. Perhaps the stragglers lied themselves out of a scrape by accusing the doctor of undue vehemence. Perhaps the doctor had taken a drop too much Madeira. It matters little. He considered himself entirely within his rights in arresting anyone who disturbed the tranquillity of Upper Marlborough. He was utterly surprised, when brought before Rear Admiral Cockburn, to find himself cursed and tossed into the forecastle with common sailors and told that he could account himself lucky he was not hanged at once from a yardarm.

As Mr. West unfolded the entire story of the doctor's cap-

ture Key calmed his fears. Key was, fortunately, released from further military duty at Georgetown on account of the enemy fleet's departure that very afternoon. Major Peter would agree to his absence. But in order to visit the enemy fleet on an errand that was partly personal Key must appeal to the head of the government. Colonel Monroe would be hard to find. He would go directly to the president. And so he did.

First he arranged for Taney, Mrs. Key, and the six children to leave at once for Frederick, whence they could easily reach Terra Rubra. He went personally to President Madison and the president "promptly gave his sanction to the mission." Key was instructed to inform General Winder of the errand, to confer with Colonel John S. Skinner, the American agent in charge of exchange of prisoners, and to proceed.

Key rode to Annapolis, where Winder, depending on Generals Smith and Stricker to defend Baltimore, promptly wrote a letter to General Ross, commanding the British forces, concerning Dr. Beanes:

"I am informed that a party from your army a few nights ago, took Dr. Beanes, a respectable, aged man out of his bed, treated him with great rudeness and indignantly took him to your camp; and that he is now on shipboard. The bearer of this goes to your camp conveying some necessaries for the Doctor for his accommodation; and to ascertain what has occasioned this procedure so unusual in warfare among civilized nations. I am persuaded it will be necessary to enquire into the case to cause the doctor to be released. I am informed he is an honorable man and would not have been guilty of any act intentionally or knowingly contrary to the usages of war or derogatory to the character of a man of honor. I hope on in-

quiry, justice and humanity will induce you to permit the Doctor to return to his family as speedily as possible.

“(signed) GEN. WINDER

“per COL. JNO. S. SKINNER

“and FRANCIS SCOTT KEY.”

Skinner, a Prince George's County man, knew Dr. Beanes, and had the foresight to secure letters from several wounded British officers testifying to the kind ministrations they had received after the battle of Bladensburg. It is said that some of these officers had been treated by Dr. Beanes, at the request of their American captors. With Key, Skinner hurried to Baltimore, where the customary cartel boat, which he had used on previous visits to the fleet in connection with the exchange of prisoners, was in readiness. It was a small, unnamed, unnumbered craft, manned by several sailors. About September 2 they embarked. They knew that the fleet at that moment was at least a hundred miles down the bay near the mouth of the Potomac. With poor winds they might never overtake it, unless the fleet were bound up the bay to attack Baltimore.

Thrown upon each other's society for several days while the small vessel skimmed down the Chesapeake, Key and Skinner were strange companions. Both men were patriotic; both were brave; both knew and admired old Dr. Beanes. Both men, oddly enough, had vague literary ambitions.

A practical politician, Skinner drew \$1,800 per year as agent in charge of prisoners; when the war drew to a close he managed to secure the postmastership of Baltimore. In negotiations for the exchange of ordinary prisoners his rough, blunt manners were eminently successful. But, in pleading for the release of a plain citizen such as Dr. Beanes, Skinner undoubt-

edly welcomed the presence of a mild pleader such as Key, a lawyer devoid of temper. Skinner is described in John Quincy Adams's memoirs as "a man of mingled character, of daring and pernicious principles, or restless and rash, and yet of useful and honorable enterprise. Ruffian, patriot and philanthropist are so blended in him that I can not appreciate him without a mingled sentiment of detestation and esteem."

It is quite possible that Key regarded him similarly—with affection and annoyance. If the two men discussed agriculture, Skinner hated the redlands. If Key prayed, Skinner may fondly have "cussed" the old doctor who was indiscreet enough to get him involved in a hundred-mile cruise in a small boat. When they discussed the defense of Baltimore Key certainly must have offended Skinner by saying that the privateers of that city had invited attack by their conduct on the high seas.

More than once Key and Skinner must have repeated their opinions of the tragic farce at Bladensburg. They must have wondered when the banks would open. And more than once, too, they must have laughed at the foolish spectacle they would present if the British, regretting their sternness with the doctor, had set him ashore down the bay.

About September 5 or 6, when the British fleet from the Patuxent and the Potomac—and a few vessels that had crossed to the Eastern Shore under Sir Peter Parker, a brave officer who was mortally wounded there—were just standing up the bay toward Baltimore, Skinner hailed the admiral's flagship, the *Tonnant*. He and Key were invited aboard by Vice Admiral Sir Alexander Cochrane, the commander-in-chief of the fleet. General Ross, although he mustered on H.M.S. *Royal Oak* after September 1, was evidently present on the *Tonnant*, for Skinner and Key dined that evening with Sir Alexander Cochrane, Ross,

and Cockburn. The British officers were affable and friendly toward Skinner, whom they had met before on his visits in connection with exchange of prisoners. They did not know that he had ridden ninety miles to Washington a short time before to notify the government of Cockburn's arrival.

While their cartel with several sailors aboard lay under the *Tonnant*, Skinner and Key stated that the purpose of their errand was not a general discussion of the balance sheet of prisoners but specifically to secure the release of Dr. Beanes.

Cockburn spoke harshly of the doctor and insisted that he should have been hanged. General Ross seemed not disposed to release him. As Taney said later, "When he [Key] made known his business, his application was received so coldly, that he feared it would fail."

Colonel Skinner then presented to the staff officers of the army and navy aboard the admiral's flagship the letters from wounded British officers who had been left behind—letters which, as a born negotiator, he had taken the trouble to secure—stating that they had been well treated in American hands.

Key strongly represented the character and standing of Dr. Beanes, and "the deep interest which the community in which he lived, took in his fate."

Unmoved, Cockburn objected even to Key's request that he be permitted to deliver to Dr. Beanes the change of linen, soap, and necessities which he had fetched along.

General Ross said, "Dr. Beanes deserves more punishment than he has received; but I feel myself bound to make a return for the kindness which has been shown to my wounded officers—and upon that ground, and that only, I will release him."

At that same time, relates Taney, "Key was informed that neither he, nor anyone else, would be permitted to leave the

fleet for some days; and must be detained until the attack on Baltimore, which was then about to be made, was over. But he was assured they would make him and Mr. Skinner as comfortable as possible while they detained them. Admiral Cochrane, with whom they dined on the day of their arrival, apologized for not accommodating them aboard his own ship, saying that it was crowded already with officers of the army; but they would be well taken care of in the frigate *Surprise*, commanded by his own son, Sir Thomas Cochrane." The Cochranes were an old seafaring family. A nephew of Sir Alexander Cochrane's, who had fitted up the *Tonnant* to take to America, was in 1814 jailed and stricken off the Navy List for fraud in spreading news of a false defeat of Napoleon in order to speculate in stocks.

Dr. Beanes was evidently aboard the *Tonnant*, for Key saw him where he was confined in the forward part of the ship among soldiers and sailors before General Ross finally consented to release him. "He [Dr. Beanes] was constantly treated with indignity by those around him, and no officer would speak to him. He was treated as a culprit, and not as a prisoner of war. And this harsh and humiliating treatment continued until he was placed on board the cartel," Key afterward told Taney. This means that for the next four or five days, while Key, Beanes and Skinner were aboard the *Surprise*, Dr. Beanes was conspicuously ignored or insulted while some of the British officers went out of their way to be polite to Colonel Skinner and Key.

Taney, who received his information directly from Key within the month, wrote:

"Something must have passed when the officers were quartered at his house, on the march to Washington, which, in the

judgment of General Ross, bound him [Dr. Beanes] not to take up arms against the English forces, until the troops re-embarked. It is impossible on any other ground, to account for the manner in which he was spoken of, and treated. But whatever General Ross, and the other officers may have thought, I am quite sure that Dr. Beanes did not think he was in any way pledged to abstain from active hostilities against the public enemy. And when he made prisoners of the stragglers, he did not consider himself as a prisoner on parole, nor suppose himself to be violating any obligation he had incurred. For he was a gentleman of untainted character, and a nice sense of honor, and incapable of doing anything that could have justified such treatment. Mr. Key imputed the ill-usage he received to the influence of Admiral Cockburn, who it is still [1856] remembered, while he commanded in the Chesapeake, carried on hostilities in a vindictive temper, assailing and plundering defenceless villages; or countenancing such proceedings by those under his command."

The sails were taken from the cartel, and its small American crew were evidently taken aboard the *Surprise* while the craft was towed. Key, Beanes and Skinner became guests of Sir Thomas Cochrane until the ship came to off North Point below Baltimore and Sir Alexander Cochrane hoisted his own flag on the *Surprise* during the bombardment of Fort McHenry.

A crisp navy man, Sir Thomas Cochrane was not congenial but he avoided rudeness; his subordinates and some of the army officers aboard struck Key as "illiberal and ignorant."

As the fleet stood up the bay, Skinner and Dr. Beanes passed the shore lines that they had known from childhood when practically all Maryland travel had been by water. Key believed that the militia, which had been gathering in Baltimore

on the day he departed, were better prepared than they had been at Bladensburg. All three Americans must have regretted that it was impossible for them to warn the city of the fleet's approach. Even had they been released they must have profited by Dr. Beanes's example, however, and not have divulged the enemy's plans. Why Ross detained them was somewhat of a mystery, for he had boasted in Washington that he hoped to wipe out "that nest of Baltimore privateers" and make the city his winter quarters, "even if it rained militia."

Key had great faith in Fort McHenry, which had already been strengthening its batteries when he and Skinner had sailed down the Patapsco from Baltimore a week before. Key's brother-in-law, Judge J. H. Nicholson, who was married to Mrs. Key's sister, was second in command, ranking as a captain under Major Armistead.

And thus, through golden September days, Key, Beanes and Skinner, as "guests" of a British frigate, approached the next little theater of the war.

On Sunday afternoon the *Surprise* came to off North Point in five fathoms of muddy water with soft bottom.

## CHAPTER V

### FORT MCHENRY

#### A TIGHT LITTLE PLACE

THE distraught Madison administration, sitting amid the ruins of Washington with cartloads of state papers scattered all over Maryland, ordered the militia at Baltimore and particularly the garrison in Fort McHenry to surrender rather than risk the destruction of the city. Major George Armistead, in command of the fort, dared court-martial in his determination to resist the enemy at any cost. With Key's brother-in-law J. H. Nicholson (who was at that time chief justice of the court at Baltimore and of the court of appeals at Annapolis), second in command, Armistead provisioned the fort for a siege, threw up platforms for batteries outside the walls, and awaited the British fleet. He drilled his 1,000 men in the proper tactics against landing parties. He safeguarded the powder supply in the not thoroughly bombproof dungeons beneath the fort by covering it with sandbags. Captain Nicholson, whose Fencibles were volunteers of the best families of the city, remained on duty day and night. His judicial robes were forgotten.

On Sunday, September 11, a bright sunny day, when the first vessels of the British fleet came to off North Point at the mouth of the Patapsco, less than ten miles downstream, the garrison in Fort McHenry was busily trundling into place the twelve-

pounders which had been borrowed from the French consul—although what the French consul was doing with a supply of such heavy ordnance in Baltimore has never been explained. They threw up additional earthworks beyond the dry moat which surrounded the little star-shaped red-brick fortification. Fort McHenry, still a picturesque, low-lying fortification, was built in 1794 with possible invasion in view, on Whetstone Point, commanding the Patapsco, and named for James McHenry, George Washington's secretary of war. The reservation, already partly acquired by the federal government and garrisoned with regular troops under Major Peter in the early 1800's, had been the station of a shore battery during the Revolution.

On a previous foray up the Patapsco, Cockburn had fled from its guns, pronouncing it "a tight little place."

Now, however, about to face a fleet of nearly forty vessels, many of them able to fire 200-pound shells, Major Armistead feared that his light guns would be of little avail. Therefore, with the assistance of the navy department, he had during August and early September supervised the sinking of ships and barges in the channel of the river above the fort. This sunken barrier would hold enemy frigates and gunboats under his fire, perhaps prevent their passage within shelling distance of the city. Behind the barrier several small gunboats were stationed.

The troops in the fort were ordered to coöperate with the batteries on the opposite shores of the tidal river. Armistead directed them under no circumstances to surrender to any enemy landing parties which might attempt to storm the fort with scaling ladders and battering rams. In the meantime, on the North Point peninsula down the Patapsco, the Baltimore militia under General Stricker, assisted by troops from Pennsylvania

and Virginia, were erecting earthworks and abatis and digging trenches. By September 12, the bluest Monday Baltimore ever experienced, the city was practically surrounded by earthworks. Women, children, and slaves had wielded picks and shovels. On Sunday, while the church bells rang, the streets of the city had been thronged with volunteers marching to the trenches, with wagonloads of specie and personal property bound for the Frederick turnpike and the Reicerstertown road to Westminster. To men who had hoped to flee the scarcity of money was a serious impediment and no doubt contributed to the willingness with which many, short of ready cash for coach fare, sprang to the aid of the troops who were digging in about the town.

On Sunday night the garrison at Fort McHenry cheered as beeves and sheep were driven inside the walls and some of them slaughtered. Mrs. Armistead, in childbed in her living quarters within the fortification, gave advice on cookery to the commissary department. Powder, lead and cannon balls were stacked for use. Armistead, unlike Major Peter, tolerated no interference or suggestions from his men; they were regulars. Although only thirty-five, the same age as Major Peter and Francis Scott Key, he deported himself with more poise and determination than either had done at Bladensburg; which was easier for him to do, first, because that awful foot-race of a battle had been a lesson to every officer in Maryland; second, because he was defending an enclosed area, on a peninsula, without the problem of moving over a variable terrain and coördinating his action with that of other scattered troops. He faced only the harbor.

Major Armistead, like General Smith and General Stricker, appreciated that only if the British fleet passed the fort and

shelled the city could the attack on Baltimore succeed. Stricker, with dragoons and infantrymen, moved down toward North Point on Monday the twelfth, to draw the British land force after them under the guns of the earthworks which he had constructed. He had every confidence that Fort McHenry could hold off the fleet while he held off Ross's army.

Accordingly, though in ill health, Armistead disposed his troops, exhibiting none too good a temper in the process. He then joined his wife where she was lying-in at his quarters for a word of comfort before he strode forth for his long vigil beneath the battle flag. There is a legend that the flag had been made as a special compliment to Mrs. Armistead to celebrate the birth of her child, and that the child was born and the flag raised as the first British shell hurtled into the fort. This legend cannot be true. Much more authentic is the accepted and corroborated account of the origin of the flag at Fort McHenry.

It was and probably still is the largest battle flag ever flown. It may still be seen in the Smithsonian Institution at Washington, where it is preserved as a national souvenir. When it was raised on the towering staff at the fort the garrison cheered, their voices rising above the lowing of the cattle and drowning the shouts of the sergeants.

#### THE MAKING OF THE BANNER

Mrs. Mary Young Pickersgill, who made the flag for Fort McHenry, was the daughter of Mrs. Rebecca Young, whose occupation also had been flag making. Mrs. Young, who was visiting Mrs. Pickersgill in Baltimore during the summer of 1814, was a widow who during the Revolution had run the following notice in the *Philadelphia Advertiser*:

## COLOURS

For the army and navy made and sold on the most reasonable terms.

—REBECCA YOUNG

in Walnut Street, near Third Street, and next door but one to Mr. Samuel McLane's.

N. B.—Any person having bunting for sale may hear of a purchaser by applying as above.

Now an aged woman, Mrs. Young had trained her daughter in her own profession; and when the daughter, Mrs. Pickersgill, was widowed in Baltimore she found that she and her daughter Caroline could enjoy a good living by supplying banners and pennants to the showy clipper ships of the town. The Baltimore privateers, which throughout the war so conspicuously outclassed the army and the navy in their conflicts with the enemy, had purchased many flags made by Mrs. Pickersgill in her comfortable house at 60 Albemarle Street. That house is still standing, near the water front and not far from the old town house of Charles Carroll of Carrollton. It is now known as Flag House.

In the summer of 1814 Mrs. Pickersgill, whose trade had no doubt fallen off while the Chesapeake was blockaded, was waited on by General Stricker, Commodore Joshua Barney and Lieutenant-Colonel MacDonald. They wanted a flag made at once, thirty-six feet long and twenty-nine feet wide, to fly from the staff at Fort McHenry. A flag of that size, requiring 400 yards of red, white, and blue bunting, could be cut out in the tiny upstairs workroom at 60 Albemarle Street, but it probably could not be stitched together there. The field of blue alone

was more extensive than an ordinary flag. But Mrs. Pickersgill agreed to set to work at once.

She was very resourceful. When she had finished cutting out the fifteen stripes and fifteen stars and the field of blue she looked for commodious quarters in which to sew them together. She hit upon the idea of using the malthouse floor of Claggett's Brewery. There, on the spacious brewery floor, by sunlight and candlelight, she stitched away. Her twelve-year-old daughter was a useful assistant. At night, when mother and daughter returned from the brewery to their home with word that the British were said to be approaching Baltimore, old Mrs. Young insisted upon narrating, for the hundredth time, how during the invasion of Philadelphia in the Revolution she had driven out of that city in an oxcart.

Mrs. Pickersgill began to sew and baste in August. The flag was completed some time before relays of horsemen galloped up the street, shouting that the fleet was off North Point.

#### OLD DEFENDER'S DAY

In a letter to John Randolph soon after he was released, Key wrote:

"You will be surprised to hear that I have . . . spent eleven days in the British Fleet. I went with a flag to endeavor to save poor old Dr. Beans a voyage to Halifax, in which we fortunately succeeded. They detained us until after their attack on Baltimore, and you imagine what a state of anxiety I endured. Sometimes when I remembered it was there the declaration of this abominable war was received with public rejoicings, I could not feel a hope that they would escape—and again when I

thought of the many faithful whose piety lessens that lump of wickedness I could hardly feel a tear.

"To make my feelings more acute, the admiral had intimated his fears that the town must be burned, and I was sure that if taken it would have been given up to plunder. I have reason to believe that such a promise was given to their soldiers. It was filled with women and children. I hope I shall never cease to feel the warmest gratitude when I think of this most merciful deliverance. It seems to have given me a higher idea of the 'forbearance, long suffering and tender mercy' of God, than I had ever before conceived.

"Never was a man more disappointed in his expectations than I have been as to the character of British officers. With some exceptions they appeared to be illiberal, ignorant and vulgar and seem filled with a spirit of malignity against everything American. Perhaps, however, I saw them in unfavorable circumstances."

This letter (quoted from "Francis Scott Key," by F. S. Key-Smith) gives a clear idea of Key's feelings on that bright Sunday afternoon when the *Surprise* anchored off North Point just beyond sound of the tolling church bells of the city. Alongside, the *Royal Oak*, signaling a soft, muddy bottom, was already anchored and disembarking a reconnoitering party. The *Tonnant* drew near and Sir Alexander Cochrane made plans for hoisting his flag on the *Surprise*, his son's ship, in the morning. Key, Beanes and Skinner were notified that at that time they would be put aboard their small cartel vessel under a guard to prevent them from landing.

By midnight the mouth of the Patapsco was a forest of masts. The *Albion*, Cockburn's flagship, the *Dictator*, and the

*Diomedé* came to near-by. Pinnaces, cutters and launches were got ready for use at dawn.

Early on the morning of the twelfth, Key, Beanes, and Skinner were lowered off the *Surprise* as Sir Alexander Cochrane came aboard with a rear admiral, a secretary, and other gentlemen of his staff. Key did not even know that Cockburn, already ashore with Ross and the troops, was about to witness Ross's death. The cartel vessel lay under the admiral's frigate all that day, and the Americans were not informed what were the results of the firing near-by on the Point.

General Ross and Rear Admiral Cockburn, accompanying the soldiers and marines ashore and advancing a short distance, entered the farmhouse of Robert Gorsuch and, ordering breakfast, boldly planned to continue up the peninsula toward the city. Farmer Gorsuch, perforce as hospitable to his guests as Dr. Beanes had been at Upper Marlborough, asked Ross after breakfast if the general wished supper prepared in the evening. Ross is supposed to have said: "I shall eat my supper in Baltimore or in hell!"

Mounting his horse outside the Gorsuch farmhouse, the general, with Cockburn and Colonel Brooke beside him, was just spurring his horse forward to investigate a skirmishing action ahead when a shot sounded near-by. Smoke was seen coming from the foliage of a large tree—and General Ross, mortally wounded, fell from his horse. A quick volley directed into the tree dropped two Baltimore youths, named Wells and McComas, who are usually credited with having killed General Ross. Before he expired the general had only time to commend his wife and children to the generosity of the prince regent. His body was carried aboard the *Royal Oak* and the next day Captain Pearce of that vessel "expended 129 Gallons of Rum to preserve the Corpse of Major General Ross."

Key, Beanes and Skinner were completely unaware of this disconcerting loss of a distinguished enemy officer, yet they knew that their own fate still depended to a considerable extent upon the success of the British land troops that day. In case of a prolonged siege the cartel might be detained for weeks. All day long they heard the intermittent firing ashore.

The command of the British land forces now had devolved upon Colonel Brooke, an able officer, who advanced toward the first line of Stricker's skirmishers. These dragoons were ordered by a strategic retreat to draw the British within range of the first series of earthworks. After a brief, sharp engagement, with men killed and prisoners taken on both sides, the British pursued the dragoons.

Several miles farther on the British encountered the main body of Stricker's troops, well entrenched behind an abatis and earthworks, with reserves from Maryland, Pennsylvania, and Virginia behind them. Colonel Brooke in his dispatches afterward was optimistic—he believed that the next retreat of the Baltimore defenders was a genuine retreat, although General Stricker in planning the attack on the British had previously arranged to withdraw from the front-line trenches to the next trenches as the British came on, thus carrying the enemy farther and farther from their rations and their communications with their fleet. Nevertheless, the first-line resistance was a battle.

It was a short but brilliant affair. Colonel Brooke, in his report, said contemptuously, "In less than fifteen minutes the enemy's force being utterly broken and dispersed, fled in every direction over the country, leaving on the field 2 pieces of cannon with a considerable number of killed, wounded and prisoners." In order to cover up his own lack of aggressiveness, Brooke continued in his report, "The day being now far ad-

vanced, and the troops (as is always the case on the first march after disembarkation) much fatigued, we halted for the night on the ground of which the enemy had been dispossessed."

Brooke did not realize that this was the very idea which General Stricker and General Smith, who was also directing the defense of Baltimore, had in mind when they planned to meet the enemy with skirmishers who would weary them and draw them away from their base and ships at the end of the Point. The defense of Baltimore had been well planned and it was ably directed. But Key and his companions, isolated on their small boat, had no knowledge of how the day was going.

The next day Brooke, finding the city surrounded by strong but detached hills on which the Baltimoreans had constructed a chain of pallisado redoubts connected by a breastwork, remained where he was. He made plans for a night attack, hoping then to cope against the superior American artillery, but during the evening he received a communication from Sir Alexander Cochrane, aboard the *Surprise*, saying that the harbor was blocked by sunken vessels and a strong fortification and that naval coöperation was not immediately practicable. Brooke did not attack that night. Cockburn wrote a report of the naval forces and marines at North Point which jibes so closely with that written by Colonel Brooke that the two leaders cannot have been separated during either the skirmishing or the preparation of their dispatches.

The battle of North Point, which has made September 12 a holiday in Baltimore, was a brief skirmish in which the Baltimore troops did not at any time advance against opposition. Old Defenders' Day was not a victory for either side. The British drove the Americans back to their breastworks but thereby won no advantage. They killed several hundred of the

militia. They carried several hundred young men of good family off to Halifax in the holds of vessels with refugee slaves. They were permitted to retire without molestation. But they won nothing.

The most dramatic resistance at Baltimore occurred on September 13 and 14, in the harbor, when Fort McHenry and the batteries on the shores opposite it held back the fleet. In the fort on September 12, while listening to the fieldpieces on North Point, Major Armistead and Captain Nicholson, beneath their tremendous flag, momentarily expected the fleet to arrive against them. They expected attack on the night of the twelfth. When the fleet appeared on the morning of the thirteenth they were not surprised. If they used their telescopes they cannot have failed to see (near the *Surprise* which, now the commander-in-chief's flagship, was bringing up the rear) the tiny cartel boat without number or name flying a small white flag. It was bare, without sails.

Soon that boat was obscured by smoke. It tossed madly as the British frigates discharged whole broadsides and angrily churned the gray tidewater. It was a very short while before Francis Scott Key, on the small cartel, could see nothing of the low-lying fort save the great banner high above the battle.

## CHAPTER VI

### THE VIGIL

VICE ADMIRAL SIR ALEXANDER COCHRANE's dispatches report that: "At daybreak the next morning [the thirteenth] the Bombs, supported by the *Surprize*, with the other Frigates and Sloops, opened their Fire upon the Fort that protected the entrance of the Harbour."

The cartel still lay under the *Surprize*. Key, Beanes, and Skinner had an unenviable but excellent view of the "grand and magnificent" attack on Fort McHenry. They had, during the night, been towed within range of the guns of their fellow countrymen. The low fort appeared extremely vulnerable from their point of view, surrounded as they were by frigates, bomb-vessels, and sloops. They could not know that Fort McHenry was not surprised by the formidable enemy armada.

A dispatch over the name of Captain J. H. Nicholson to General Winder, written in Fort McHenry the day before, says, "At the request of Major Armistead I write to ask that you will come down tonight. From the position which the enemy are taking (off Hawkins Point) he apprehends an attempt to storm tonight." Winder did not "come down." Armistead, indisposed but on his feet, inspected the batteries and tried to put from his mind his apprehension about the condition of his wife, who may at that very moment have been in labor. He assured his garrison that the vessels sunk in the main channel

could detain the fleet only if Fort McHenry and the batteries on the shore opposite did their utmost. Armistead was not yet certain whether the Wellington and Nelson veterans on North Point had been halted or whether they were smashing through Stricker's troops into the city.

The fleet which Key beheld at dawn, whose gunnery soon obscured the star-spangled banner over the fort, was drawn up in a semicircle. The rocketships *Erebus*, H. M. Bombvessels *Volcano*, *Terror*, *Aetna*, *Meteor*, and *Devastation*, the frigates *Severn*, *Euryalus*, *Havannah*, and *Hebrus* took the front line. The flagship *Surprise*, with the little cartel boat lying under her among the ketches and launches, kept at a discreet distance. Nevertheless, when the firing began and fiery parabolas were inscribed in the cloudy sky, the cartel boat was tossed unmercifully as the frigates dragged anchor from the concussion of their guns.

Now, had they recognized that little cartel boat, the garrison of the fort could no-longer have seen it. Nor could the garrison know that in the hold of the *Surprise*, bound for Halifax, were eighty-seven American prisoners taken during Cockburn's desultory raids in the Chesapeake. It is strange that those prisoners had not been transferred to another vessel before the bombardment; strange, too, that the cartel boat, which might just as easily have been held at North Point, was conveyed into the thick of a battle. Key was fortunate that Fort McHenry's light guns did not carry so far as the flagship, where Cochrane, his son, secretary, and aides directed the assault.

Dr. Beanes could not yet congratulate himself that he had escaped hanging; he might be blown up any minute. Colonel Skinner, accustomed to his white flag's immunity, could not have been heard had he protested. Key peered through the

cartel's telescope, following the course of each bombshell in its flight. When the smoke was whisked away by the breeze and he saw the flag his joy was momentary. The bombardment gathered strength, began anew. In his mind a pageant of history and glory must have mingled with his prayers, to atone for his misgivings about the war. He must have thought of General Washington riding handsomely up the Terra Rubra driveway; of his distant kinsman who had bandaged Major André's eyes; of the mighty men of the nation who had breathed the acrid smoke of battle. . . . Had any of them ever seen the flag as he now saw it? Did Nicholson in the fort, running from battery to battery, cast his eye upward at that banner for inspiration? Did some unknown sergeant stand by the lanyard, awaiting an order to lower the colors? Did the feminine hands that had sewed those fifteen stripes of red and white into a symbol—did they now ply at bandages and basins of water? Was Mrs. Nicholson, Mrs. Key's sister, throwing her necessary luggage into a gig which some rude coward would seize from her, leaving her to the rapacity of Cockburn's men?

The bombardment had begun at six o'clock on Tuesday morning. As the day ran on it was apparent that a thunderstorm was making. Fearing to draw close to the fort lest they run aground, the fleet kept at a respectful distance throughout the morning. The fort, with lighter guns than the British, was a target rather than an opponent; but Armistead fired occasionally to let the enemy know the place was not given up. Those shots from the fort cheered Key, Beanes and Skinner. In the afternoon, when the fleet drew closer and four or five bombs were often in the air at one time, they were deafened by the clattering music of the explosions.

Some of the bombs weighed 200 pounds. Signal lanterns

were shaken from the bombvessels; sailors fell overboard; and still the bombardment did not abate as the fleet tightened its arc. Then suddenly, as the fleet was tempted near, Armistead's well-planned batteries let fly a hail of cannon balls. The British slipped their cables, hoisted their sails, and were off. When they got out of range of Fort McHenry's guns they resumed the attack with renewed fury. And thus the fleet was firing steadily away, occasionally answered by a single gun from the fort, when the sun, about to disappear beneath the gathering thunderclouds, disclosed the flag still flying.

"While the bombardment continued through the night," wrote Taney, "it was sufficient proof that the fort had not surrendered. But it suddenly ceased sometime before day; and as they [Key, Beanes and Skinner] had no communication with any of the enemy's ships, they did not know whether the fort had surrendered, or the attack upon it had been abandoned. They paced the deck for the residue of the night, in painful suspense, watching with intense anxiety for the return of day, and looking every few minutes at their watches, to see how long they must wait for it; and as soon as it dawned, and before it was light enough to see objects at a distance, their glasses were turned toward the fort, uncertain whether they should see there the stars and stripes, or the flag of the enemy."

Some time before dawn, as they stood with their watches in their hands, they beheld a frightful maneuver which they were too distant to interpret. According to the *Niles Register*:

"At this time, aided by the dark and screened by a flame they had kindled, one or two rocket or bomb vessels and many barges, manned by 1,200 men, passed Fort McHenry, and proceeded to sail up the Patapsco to assail the town and fort in the rear and

perhaps effect a landing. They cheered noisily, but too soon. Alas! Their cheers were quickly turned to groaning, and the cries and screams of the wounded and drowning people soon reached the shore; for Fort McHenry and Covington, with the City Battery and Lazaretto and barges vomited an iron flame upon them. Heated balls and a storm of heavy bullets flew upon them. Never were so many pieces fired at the same time in the history of gunpowder. Houses of the city were shaken. The heavens were lighted with continual flame. . . . In twenty-four hours, at least 1,500 bombs had been thrown."

Many are the stories that have come down concerning the men in the fort. Scharf, in his "Chronicles of Baltimore," relates that during the bombardment, at a time when the explosions were the most tremendous, a rooster mounted a parapet and crowed heartily. Cheered by the chanticleer, a soldier vowed he would buy it a pound of pound cake if he ever reached Baltimore after the battle. In the morning, too exhausted to go himself, he sent into the city for his gift of pastry for the bird.

When light came, soon after this noisy assault by a landing party, Key saw the flag.

Now it catches a gleam of the morning's first beam,  
In full glory reflected now shines in the stream:  
'Tis the Star-spangled Banner; O long may it wave  
O'er the land of the free and the home of the brave!

It was then, when he beheld the flag at dawn, that Key began to write his song. Through the night he thought of vagrant phrases. But straining his eyes through the smoke and thundershower, vainly trying by the light of shells and electrical

flashes to catch a glimpse of the flag, he did not attempt to write. "He commenced it," Taney says he told him, "on the deck of their vessel, in the fervor of the moment, when he saw the enemy hastily retreating to their ships, and looked at the flag he had watched for so anxiously as the morning opened; that he had written some lines, or brief notes that would aid him in calling them to mind, upon the back of a letter which he happened to have in his pocket; and for some of the lines, as he proceeded, he was obliged to rely altogether on his memory."

Afterward Key said, "If it had been a hanging matter to make a poem, I must have made it."

He scarcely raised his eyes from his old envelope as the British ships, preparing to withdraw after a final burst of firing, swept alongside the *Surprise*. Sir Thomas Cochrane, under orders of his father, at once permitted the American cartel boat to be released. The British marines climbed aboard the flagship and handed down the cartel's sails. The *Surprise* headed about, without farewell, and the cartel headed for the shore.

Key finished his poem "in the boat on his way to shore, and wrote it out as it now stands, at the hotel, on the night that he reached Baltimore, and immediately after he arrived."

The cartel was released in the forenoon, for the log of the *Severn* says: "A.M. The Boms[sic] began to play on the fort. At 9 all the Fleet weigh'd and went down the river. Hard rain." This was the morning of September 14. The log of the *Devastation* (bombvessel) states: "Wednesday 14th September 1814 A.M. Light breezes & cloudy with Lightning. Ceased firing per orders from the Admiral. 8 weighed and made sail to the Eastward. 11: shortened sail and came to with S. Bower in 3½ fthms., furled sails; H.M.S. *Surprise* with the Flag of

Vice Admiral Cochrane & Squadron in Co. Noon: Light Breezes with heavy rain."

From all accounts the cartel proceeded upstream, perhaps a distance as great as four miles from where she had lain during the bombardment, to the wharves of the city. Key did not see Nicholson till the following morning.

While Dr. Beanes and Colonel Skinner lay asleep in their beds in the Old Fountain Inn in High Street that night, Key sat awake in his room in the same hotel, his dark-circled eyes conning his poem. He called for ink and paper, little knowing that that sheet of rag paper which some obscure servant handed him would one day bring immortality to him and \$24,000 to the estate of a museum collector. Key wrote a neat hand. His first draft from the back of the old envelope was readily transcribed. Why, it might be asked, did he write a poem in such unusual form, to such an extraordinary tune? Was he tone deaf? And if so, how did he happen to fit his words so neatly into a complicated melody?

As his pen hurried across the paper the sound of the bombardment still echoed in his ears. On the street outside his window soldiers paced and dragoons galloped, but he was not distracted. His prodigious memory filled in the unwritten gaps of his composition. He had seen the flag flying over Fort McHenry, and he wrote of what he saw. The tune, or the form of the verses, had occurred to him when he first set pen to paper aboard the cartel at dawn. It was in a roundabout way already a patriotic old American tune, and it was bound to preserve his poem through generation after generation.

Before following the course of Key's words into print and into popular favor, we shall not be truly digressing if we consider the tune, and Key's previous acquaintance with it.

## CHAPTER VII

### GIVE US A SONG OF ANACREON

#### "TO ANACREON IN HEAVEN"

"GIVE us a song of Anacreon, was a common saying in the age of Socrates" (Athanæus l.x.c.viii). And it was a common habit in the eighteenth century, about the time that Francis Scott Key was born.

It was quite natural that the dissolute gaiety of a precious Greek poet should appeal to the "sprightly class of citizens" of London. Anacreon became the patron saint of a musical society which, with an entirely male membership of noblemen and gentlemen, met for a few years at the London Coffee-house on Ludgate Hill and about 1776 moved into larger quarters at the Crown and Anchor in the Strand.

It is extraordinary how the antics of this Anacreontic Society furnished a melody which, considered patriotic before "The Star-spangled Banner" was written, became that of the national anthem of the United States. It is extraordinary, but easily understandable.

Anyone wishing to peruse the history of the society as it pertains to the song "To Anacreon in Heaven" may find in the 1914 report of Oscar George Theodore Sonneck of the Library of Congress the result of painstaking and authoritative research. Mr. Sonneck rightly asserted that Key cannot have

escaped the air of the song, inasmuch as it had already been applied to numerous patriotic parodies in America; and it may be conjectured that Key himself was not unfamiliar with the original song as written by Ralph Tomlinson with music by John Stafford Smith.

Key would never have been entirely at ease in the London Anacreontic Society—as witness the following quotation which Sonneck gives from the seventh edition of the “Festival of Anacreon,” pages 6-7:

#### “SHORT ACCOUNT OF THE ANACREONTIC SOCIETY

“In the infant state of this admirable institution, the members met as they now do, once a fortnight, during the winter season, at the London Coffee-house, on Ludgate-hill, who were chiefly of the sprightly class of citizens; but the popularity of the club soon increased the number of its members, and it was found expedient to remove the meeting to a place where the members could be more commodiously accommodated; the Crown and Anchor in the Strand was accordingly fixed on, where this meeting has ever since been held.

“ANACREON, the renown’d convivial Bard of ancient Greece, as distinguished for the delicacy of his wit, as he is for the easy, elegant and natural turn of his poesy, is the character from which the club derives its title, and who has been happily celebrated in the Constitutional Song, beginning: ‘To Anacreon in heaven &c,’ universally acknowledged to be a very classical, poetic, and well-adapted composition; and if our information does not mislead us, it was written by a gentleman of the Temple, now dead, whose name was Tomlinson, and originally sung by Mr. Webster, and afterwards by Charles Bannister, whose secession from the society, in consequence of some

frivolous punctilios, is much to be regretted; for to do justice to the song, a very animated execution is requisite: the power of voice, happy discrimination, and vivacity, which seems peculiar to the well-known exertions of Mr. Bannister in this composition, never fail of producing what he justly merits—*unbounded applause. . . .*

“The Concert, which commences at eight o’clock, and concludes at ten, is entirely composed of professional men in the first class of genius, science, and execution, which the present age can boast of. After the concert is over, the company adjourn to a spacious adjacent apartment, partake of a cold collation, and then return to the concert-room, where the remainder of the evening is totally devoted to wit, harmony and the God of wine.”

Such a convivial gathering soon attracted much attention. To quote further from sources which Mr. Sonneck unearthed, the following, abridged, is a communication to the editor of the *Gentleman’s Magazine*, published in May, 1780, at the time when Francis Scott Key was not yet one year old.

“I will not pay you so ill a compliment to suppose you have never heard of the Anacreontic Society [wrote an anonymous correspondent]. . . . The concert, which consists of the best performers (who are honorary members) in London, begins at half-past seven, and ends at quarter before ten. The company then adjourns to another room, where an elegant supper is provided; in the meantime the grand room is provided for their return. The tables at the upper end of the room are elevated for the vocal performers. Here conviviality reigns in every shape, catches and glees in their *proper stile*, imitations

by gentlemen, much beyond any stage exhibition, salt-box solos, and miniature puppet-shews; in, short, every thing that mirth can suggest.

"The following classical song, written by poor Ralph Tomlinson, their late president, is chorused by the whole company."

It is singular that an atmosphere generally decadent has furnished us not only with the air of our national anthem but also with the motto of the United States: E Pluribus Unum. The motto (and this is a digression) appeared throughout the existence of the *Gentleman's Magazine* as "Prodesse & Delectare [then a hand holding a garland of flowers] E Pluribus Unum." In his quaint book, "Historic Sidelights," Mr. Howard Payson Arnold makes a good case for his opinion that the original meaning of E Pluribus Unum (out of many one) signified that out of many contributions submitted to or presented by the magazine at least one would prove worth while.

The *Gentleman's Magazine* abounded in delicate obscenity, wit and post-Restoration humor, and it would not be unreasonable to believe that it was the favorite periodical of the debonair fellows who met at the Crown and Anchor to sing "To Anacreon in Heaven." Yet now the *Gentleman's Magazine* and the Anacreontic Society are forgotten. E Pluribus Unum, like the music of the Anacreontic song, have long since taken on meanings far removed from their origins.

The original words of the Anacreontic song, while the club was still meeting on Ludgate Hill, appeared in the *Vocal Magazine* before Francis Scott Key was born—a year to the day, August 1, 1778. They are here reproduced as they appear in the Sonneck report.

To Anacreon, in Heav'n, where he sat in full glee,  
A few sons of harmony sent a petition,  
That he their inspirer and patron would be;  
When this answer arriv'd from the jolly old Grecian—  
Voice, fiddle, and flute,  
No longer be mute;  
I'll lend ye my name, and inspire ye to boot;  
And, besides, I'll instruct ye, like me to intwine  
The myrtle of Venus with Bacchus's vine.

The news through Olympus immediately flew;  
When old Thunder pretended to give himself airs—  
If these mortals are suffer'd their scheme to pursue  
The devil a goddess will stay above stairs.  
Hark! already they cry,  
In transports of joy,  
A fig for Parnassus! to Rowley's we'll fly;  
And there, my good fellows, we'll learn to intwine  
The myrtle of Venus with Bacchus's vine.

The yellow-haired god, and his nine fusty maids,  
To the hill of old Lud will incontinent flee,  
Idalia will boast but of tenantless shades,  
And the biforked hill a mere desert will be.  
My thunder, no fear on't,  
Will soon do its errand,  
And dam'me! I'll swinge the ringleaders, I warrant.  
I'll trim the young dogs, for thus daring to twine  
The myrtle of Venus with Bacchus's vine.

Apollo rose up; and said, Prythee ne'er quarrel,  
Good king of the gods, with my vot'ries below!

Your thunder is useless—then, shewing his laurel,  
Cry'd, Sic evitable fulmen, you know!  
Then over each head  
My laurels I'll spread;  
So my sons from your crackers no mischief shall dread,  
Whilst snug in their club-room, they jovially twine  
The myrtle of Venus with Bacchus's vine.

Next Momus got up, with his risible phiz,  
And swore with Apollo, he'd cheerfully join—  
The full tide of harmony still shall be his,  
But the song, and the catch, and the laugh shall be mine:  
Then, Jove, be not jealous  
Of these honest fellows.  
Cry'd Jove, We relent, since the truth you now tell us;  
And swear, by Old Styx, that they long shall intwine  
The myrtle of Venus with Bacchus's vine.

Ye sons of Anacreon, then, join hand in hand;  
Preserve unanimity, friendship, and love.  
'Tis yours to support what's so happily plann'd;  
You've the sanction of gods, and the fiat of Jove.  
While thus we agree,  
Our toast let it be,  
May our club flourish happy, united and free!  
And long may the sons of Anacreon intwine  
The myrtle of Venus with Bacchus's vine.

It would be preposterous to imagine that Francis Scott Key, aroused to poetic and patriotic fervor before Fort McHenry, thought at that moment of this song. He certainly knew of it. It had reached America during his impressionable young man-

hood. It was sung in Annapolis, where "The Beggar's Opera" was played by a class of citizens no less sprightly than London boasted. As early as 1798 Paine had used the air—John Stafford Smith's air—of the Anacreontic song for "Adams and Liberty." And it was through Paine's song that the tune was made familiar throughout America.

It is impossible to prove that the Ugly Club of Frederick, a group of young men whom Key knew well, ever sang "To Anacreon in Heaven"—but they must have. They were debonair, cultivated, convivial, addressed one another as Your Ugliness, drank toasts to His Ugliness the President or His Ugliness the Secretary of War with affectionate and inappropriate remarks. Key can hardly have escaped at least one attendance at the Ugly Club; and in such a gay and educated gathering, no matter how thoroughly he disapproved of their bawdy disrespect to public men, he can hardly have missed hearing "To Anacreon in Heaven," which had been published in Baltimore in 1804.

The Paine song, "Adams and Liberty," upon which most of the American parodies were based, thrust the tune before the entire country as a patriotic one. It was written July 4, 1798, to be sung at a firemen's fête. It was the most popular political song ever sung in America, and for that reason we reproduce part of it here.

Ye sons of Columbia, who bravely have fought  
For those rights which unstained from your sires have  
descended,  
May you long taste the blessings your valor has bought,  
And your sons reap the soil which their fathers defended.  
Mid the reign of mild peace,  
May your nation increase,

With the glory of Rome and the wisdom of Greece;  
And ne'er shall the sons of Columbia be slaves,  
While the earth bears a plant, or the sea rolls its waves.

In a clime whose rich vales feed the marts of the world,  
Whose shores are unshaken by Europe's commotion,  
The trident of commerce should never be hurl'd,  
To increase the legitimate powers of the ocean.

But should pirates invade,  
Though in thunder array'd,  
Let your cannon declare the free charter of trade;  
For ne'er shall the sons of Columbia be slaves  
While the earth bears a plant, or the sea rolls its waves.

"Adams and Liberty" celebrated John Adams's firm stand with France and England. When Robert Treat (Tom) Paine had dashed off the above two verses and five more he concluded with two stanzas celebrating Washington and John Adams, which are said to have been written on the spur of the moment with frequent reference to the bottles on the sideboard of a Boston publisher who had suggested that Washington's name be mentioned.

Should the tempest of war overshadow our land,  
Its bolts could ne'er rend Freedom's temple asunder;  
For, unmov'd, at its portal, would Washington stand,  
And repulse with his breast the assaults of the thunder!

His sword from the sleep  
Of its scabbard would leap,  
And conduct, with its point, every flash to the deep!  
For ne'er shall the sons of Columbia be slaves  
While the earth bears a plant, or the sea rolls its waves.

Let fame to the world sound America's voice;  
No intrigue can her sons from their government sever;  
Her pride is her Adams; her laws are his choice,  
And shall flourish till Liberty slumbers forever.

Then unite heart and hand,  
Like Leonidas' band,  
And swear to the god of the ocean and land  
That ne'er shall the sons of Columbia be slaves  
While the earth bears a plant, or the sea rolls its waves.

It was a long way from Anacreon to John Adams, but this song, pedestrian as it now seems, carried the tune of "To Anacreon in Heaven" down the Ohio and the Mississippi, to every army post west of the Alleghanies. It was sung by midshipmen embarking for the wars against the Barbary pirates under Mr. Jefferson's administration. Key heard it during his summer holiday at Terra Rubra in 1798, and within five years was himself to employ the tune in a song. "The Star-spangled Banner" was not his first attempt to couch words in that old tune of pagan revelry.

His earlier song to the same tune, appearing in the collection of his verse, is trivial. Perhaps no one ever sang it beyond a banquet to officers returning from the Tripoli wars in the winter of 1804. But it is important, for it reveals that Key had practiced with a poem to the tune of "To Anacreon in Heaven"—or "Adams and Liberty" if he by remote chance never heard of the Anacreontic song—ten years before he wrote the anthem.

In the winter of 1804 Georgetown was full of naval officers returned from the Barbary wars. On every tongue was Stephen Decatur's fame for his brilliant achievement in boarding the captured *Philadelphia* in the harbor of Tripoli and escaping

under the fire of 141 guns, a feat which Nelson in England pronounced "the most daring act of the age."

Mr. Sonneck in his report failed to observe the song, which appears on page 34 of Key's published book of verse.

### SONG

When the warrior returns, from the battle afar,  
To the home and the country he nobly defended,  
O! warm be the welcome to gladden his ear,  
And loud be the joy that his perils are ended;  
    In the full tide of song  
    Let his fame roll along,  
To the feast-flowing board let us gratefully throng,  
Where, mixed with the olive, the laurel shall wave,  
And form a bright wreath for the brows of the brave.

Columbians! a band of your brothers behold,  
Who claim the reward of your hearts' warm emotion,  
When your cause, when your honor, urged onward the bold,  
In vain frowned the desert, in vain raged the ocean:  
    To a far distant shore,  
    To the battle's wild roar,  
They rushed, your fair fame and your rights to secure:  
Then, mixed with the olive, the laurel shall wave,  
And form a bright wreath for the brows of the brave.

In the conflict resistless, each toil they endured,  
'Till their foes fled dismayed from the war's desolation;  
And pale beamed the Crescent, its splendor obscured  
By the Light of the Star Spangled flag of our nation.  
    Where each radiant star  
    Gleamed a meteor of War

And the turbaned heads bowed to its terrible glare,  
Now, mixed with the olive, the laurel shall wave,  
And form a bright wreath for the brows of the brave.

Our fathers, who stand on the summit of fame,  
Shall exultingly hear of their sons the proud story:  
How their young bosoms glow'd with the patriot flame,  
How they fought, how they fell, in the blaze of their glory.  
How triumphant they rode  
O'er the wondering flood,  
And stained the blue waters with infidel blood;  
How, mixed with the olive, the laurel did wave,  
And formed a bright wreath for the brows of the brave.

Then welcome the warrior returned from afar  
To the home and the country he nobly defended;  
Let the thanks due to valor now gladden his ear,  
And loud be the joy that his perils are ended.

In the full tide of song,  
Let his fame roll along;  
To the feast-flowing board let us gratefully throng,  
Where, mixed with the olive, the laurel shall wave,  
And form a bright wreath for the brows of the brave.

This was a feeble effort, designed obviously for a banquet in honor of the returned heroes of Tripoli. Yet it is sufficient to establish the fact that Francis Scott Key himself, tone deaf or not, wrote "The Star-spangled Banner" *into the tune*, and that the air was not selected, as is often said, by Judge Nicholson or by a flute player named Durang. The references to "in vain frowned the desert," "the Crescent," "the turbaned heads," fix beyond doubt the date of the song as coinciding with the

return of the naval heroes to celebrations in honor of their conduct along the North African shores.

Note how, in writing "The Star-spangled Banner," Key borrowed phrases from this early, unknown poem. Note, too, the first appearance of "Star Spangled flag"—the germ of "The Star-spangled Banner" was a paraphrase.

Key had an excellent memory. He bent this poem to useful purpose that morning in the Patapsco. It was a parody. "The Star-spangled Banner" was a paraphrase.

As another example of the many amateur poets who employed the tune for their songs we may cite Thomas Kennedy of Hagerstown, Maryland, who with Roger Brooke Taney eventually got the bill passed enfranchising Jews in the state. Early in 1812 Kennedy, sometimes called the poet laureate of Washington County, wrote a song to the tune in honor of O. H. Williams's company of that town, The American Blues.

While foremost among  
The patriot throng  
May the Blues be seen rushing undaunted along,  
And furnish for ages a theme for the Muse,  
Deserving the name of American Blues.

The tune was indeed, to men who had never heard of Anacreon, an old American stand-by before 1814.

#### THE LAND OF THE FREE AND THE HOME OF THE BRAVE

When Francis Scott Key awoke on the morning of September 15, 1814, he at once inquired for Captain Nicholson, whom he knew had been in Fort McHenry. Already Key had been informed that the casualties in the fort were negligible. He break-

fasted at the Fountain Inn, bade farewell to Dr. Beanes and Colonel Skinner, then sought news of any military group which might need his presence. He must have walked down to the Circular Battery by the piers but he evidently did not continue toward Whetstone Point and the fort, for Taney says: "The Judge had been relieved from duty, and returned to his family only the night before Mr. Key showed him his song." Taney's account was written forty-two years after the events occurred and may be wrong in this particular. Nicholson was in the fort throughout the fifteenth. On that day he was still writing vain invitations to General Winder to "come down yourself." Major Armistead was sick. Evidently Nicholson disliked the responsibility of commanding the fort in case of Armistead's continued indisposition.

General Winder was a lawyer; Captain Nicholson was a judge. Perhaps Nicholson was judicially injudicial in his requests for the general's presence, for the general did not appear. But, as the British retired, Nicholson may have visited his home on the evening of the fifteenth. Key cannot have tarried long in Baltimore, for Taney says he appeared at Frederick "in a week or ten days"—actually more than a fortnight—after he left Georgetown. So he must have shown Judge Nicholson the draft of his poem<sup>1</sup> some time on the fifteenth.

Taney's narrative says:

"He [Key] said that on the next morning [after his completion of the poem in the hotel the night of his arrival] he took it to Judge Nicholson, to ask him what he thought of it, that he was so much pleased with it, that he immediately sent it to a printer, and directed copies to be struck off in handbill form;

<sup>1</sup> See frontispiece.

and that he, Mr. Key, believed it to have been favorably received by the Baltimore public."

Speaking of Nicholson's interest in the song, Taney wrote:

"You may easily imagine the feelings with which, at such a moment, he read it, and gave it to the public. It was, no doubt, as Mr. Key modestly expressed it, favorably received. In less than an hour after it was placed in the hands of the printer, it was all over town, and hailed with enthusiasm, and took its place at once, as a national song."

Nicholson took the copy of the poem to the office of the Baltimore *American*, where a fourteen-year-old lad was the only member of the staff not in the garrisons, trenches, or batteries about the city. This lad, Samuel Sands, was merely watching the shop, for the paper was suspended during the attack and did not resume publication for a week. But he set it up and ran off copies in handbill form. These handbills may have appeared on the afternoon of the fifteenth, the morning of the sixteenth at the latest. They did not bear Key's name. Judge Nicholson had ordered them to be entitled "Defence of Fort M'Henry," and so they appeared. Key's original poem, here reproduced, was without title.

The handbills were six and one-half by five and one-half inches, without ornament or border.

On September 16 or 17 Key, still in uniform, took the mail coach to Frederick. It was like a dream to be transported so suddenly to the peaceful Maryland hills.

The creaking of the coach, the pleasant rhythm of harness and hoofs, the whisper of the wind through the ripening corn, were the only sounds. He was impatient to reach Frederick

## DEFENCE OF FORT M'HENRY.

The annexed song was composed under the following circumstances—A gentleman had left Baltimore, in a flag of truce for the purpose of getting released from the British fleet, a friend of his who had been captured at Marlborough.—He went as far as the mouth of the Patuxent, and was not permitted to return lest the intended attack on Baltimore should be disclosed. He was therefore brought up the Bay to the mouth of the Patapsco, where the flag vessel was kept under the guns of a frigate, and he was compelled to witness the bombardment of Fort M'Henry, which the Admiral had boasted that he would carry in a few hours, and that the city must fall. He watched the flag at the Fort through the whole day with an anxiety that can be better felt than described, until the night prevented him from seeing it. In the night he watched the Bomb Shells, and at early dawn his eye was again greeted by the proudly waving flag of his country.

### *Tune—ANACREON IN HEAVEN.*

O! say can you see by the dawn's early light,  
What so proudly we hailed at the twilight's last gleaming,  
Whose broad stripes and bright stars through the perilous fight,  
O'er the ramparts we watch'd, were so gallantly streaming?  
And the Rocket's red glare, the Bombs bursting in air,  
Gave proof through the night that our Flag was still there;

O! say does that star-spangled Banner yet wave,  
O'er the Land of the free, and the home of the brave?

On the shore dimly seen through the mists of the deep,  
Where the foe's haughty host in dread silence reposes,  
What is that which the breeze, o'er the towering steep,  
As it fitfully blows, half conceals, half discloses?  
Now it catches the gleam of the morning's first beam,  
In full glory reflected new shines in the stream,

'Tis the star spangled banner, O! long may it wave  
O'er the land of the free and the home of the brave

And where is that band who so vauntingly swore  
That the havoc of war and the battle's confusion,  
A home and a country, shall leave us no more?  
Their blood has washed out their foul footsteps' pollution.  
No refuge could save the hireling and slave,  
From the terror of flight or the gloom of the grave,

And the star-spangled banner in triumph doth wave  
O'er the Land of the Free, and the Home of the Brave.

O! thus be it ever when freemen shall stand,  
Between their lov'd home, and the war's desolation,  
Blest with vict'ry and peace, may the Heav'n rescued land,  
Praise the Power that hath made and preserv'd us a nation:  
Then conquer we must, when our cause it is just,  
And this be our motto—"In God is our Trust."

And the star-spangled Banner in triumph shall wave,  
O'er the Land of the Free, and the Home of the Brave.

before nightfall, yet he sympathized with the coachman's natural desire to halt and inform all travelers that the British had withdrawn. Heavy farmers on heavy horses passed the coach, militiamen who could not wait to be mustered out of the service to harvest their corn and sow their fall wheat and rye.

How many times on that journey Key must have drawn from his pocket the copy of his poem, neatly printed, and read it, before the coach lumbered to a stop outside the tavern door at Frederick! He did not linger to talk with the noisy crowd of gentlemen who ascribed to laudable curiosity about the fate of Baltimore their presence in the taproom awaiting the coach. He hurried onward, with his quick step that was like running, to the small brick house where Roger Taney and Ann Phoebe lived. They rushed from their cool front parlor to embrace him at the door. They had been uneasy, ever since Taney had returned from Georgetown with Mrs. Key and the children, knowing that Key was somewhere down the Chesapeake on an errand to the enemy fleet.

Doubtless with some humorous exaggeration, Key, usually whimsical when addressing his sister, related the story of his adventures. "He then told me," related Taney, "that, under the excitement of the time, he had written a song, and handed me a printed copy of *The Star Spangled Banner*."

Taney asked, "How did you find time, in the scenes you have been passing through, to compose such a song?"

Key then gave Taney the details of the song's composition, which Taney wrote in 1856. Before he borrowed a horse and continued to Terra Rubra, Key, ever considerate, must have inquired after Taney's garden; for he well knew that Taney "was passionately fond of flowers, and thought well of all men who were." Then he rode down the old road to Terra Rubra,

where he had been born and where his father, mother, wife, and children now awaited him. A twenty-mile horseback ride after a long day in a coach was no great effort for a man who had many times followed a pack of hounds over that same terrain. He was only thirty-five. Late in the night he reined his mount off the north-south highway into Terra Rubra's lane. The sound of hoofs on the graveled driveway must have aroused the dogs and hounds, of which John Ross Key maintained a considerable number. We can easily imagine father, mother, wife, and three eldest children, notified of his return, hastening to the door. There they must have stood by candlelight between the columns of the portico, a beautiful Southern picture—a household welcoming a man on horseback.

It is not difficult to suppose that Key, weary as he was, sat late in the great drawing room. In playful detail he retold the story while the lazy fire of a green oak log dispelled the chill of the night. His wife must have wept at sight of his drawn face and bloodshot eyes, and his father and mother, despite their patriotism, must have accounted him somewhat rash and foolish to go off on such military duties, leaving behind him a wife and six small children. Upstairs the three babies, John, Anna, and Daniel, slept; downstairs Elizabeth, Maria, and Francis, Jr., sitting at their father's feet, not quite understanding what all the stir was about, heard him recite the poem he had written in Baltimore harbor. Unmusical as he was, he may have sung it. But he did not deem the song of sufficient importance to keep his copy of the broadside.

## CHAPTER VIII

### ANTHEM

#### PUBLICATION

WITH the early broadside entitled "Defence of Fort M'Henry," in his pocket Key sojourned at Terra Rubra. His name did not appear on the broadside, nor on the first appearances of the words in the newspapers. On September 20, the *Baltimore Patriot*, resuming publication, ran the poem in its evening edition, evidently using the broadside as copy. The editor, with a gift of prophecy, inserted in parentheses preceding Nicholson's explanation of the song's origin the following statement:

"(The following beautiful and animated effusion, which is destined long to outlast the occasion, and outlive the impulse, which produced it, has already been extensively circulated. In our first renewal of publication, we rejoice in an opportunity to enliven the sketch of an exploit so illustrious, with strains which so fitly celebrate it. Ed. Pat.)"

This *Patriot* publication occurred Tuesday evening, September 20. The next morning the *Baltimore American*, in its first issue after the attack on the city, ran the poem exactly as it had appeared on the broadside printed in its office by Samuel Sands, the fourteen-year-old apprentice, but without the extraordinarily prophetic comment that the editor of the *Patriot* had employed. An examination of the type of the handbill, and of the news-

papers in question leads to the conclusion that the handbill had been printed in the *American* office.

Samuel Sands, in 1877, wrote a letter to General Brantz Mayer, describing how he happened to set the song in type. By a curious coincidence Sands was later associated with Colonel Skinner on the *American Farmer*. Until the appearance of Taney's narrative, Sands had been under the impression that Key's copy of the song was brought to the *American* office by Colonel Skinner. It is not unreasonable to suppose that Skinner, a prominent citizen well known in newspaper offices, accompanied Nicholson to the printing office. The following extract from Sands's letter to General Mayer, however, does not suggest that both men appeared with the famous manuscript; nevertheless it is of peculiar interest.

"Citizen soldiers when the enemy had disappeared from our vicinity, took up their quarters in and adjacent to the intrenchments and batteries erected for our defense upon Loudenslagers hill, just eastward of the city borders, where they remained for some short time until all apprehension of the return of the British fleet had been dissipated. Whilst thus located, Mr. Thomas Murphy, one of the members of Capt. Aisquith's First Baltimore Sharp Shooters, obtained leave of absence, and returned to the city, and again opened the counting room of the *American* which with all other newspapers of the day, had suspended publication for the time being, the editors, journeymen and apprentices able to bear arms, being in the military service. According to the best of my recollection I was the only one belonging to the printing office that was left who was not in the military service. Being then but fourteen years of age, and not capable of bearing arms, I whiled away the time during

the suspense of the invasion in looking after the office and in occasional visits to the 'boys' at the intrenchments.

"After Mr. Murphy's return, the manuscript copy of the song was brought to the office—I always had the impression that Mr. John S. Skinner brought it, but I never so stated it as a fact, for I had no proof thereof, but it was a mere idea and I never considered it of sufficient importance to make inquiry upon the subject from my old and valued friend, Mr. Murphy, or from Mr. Skinner, who was subsequently engaged with me in the editing of my farm journal and who was the founder thereof.

"But the letter of Judge Taney . . . proves that I was mistaken in that matter.

"Mr. Skinner was a cartel agent for our government in its intercourse with the British fleet in our Bay and I took up the impression that he on his return from the fleet had brought from Mr. Key the manuscript, but Judge Taney gives the particulars of the examination and copying of the song, in this city, by Judge Nicholson and Mr. Key and remarks that one of these gentlemen took it to the printers.

"When it was brought up to the printing office my impression is, and ever has been, that I was the only one of those belonging to the establishment who was on hand, and that it was put in type and what the printers call 'galley proofs' were struck off previous to the renewal of the publication of this paper, and it may be and probably was the case that from one of these proof slips, handbills were printed and circulated through the city.

"This is simply all the part I had in the transaction alluded to. Although the song obtained celebrity in a little time after it was first presented to the world, yet the unimportant and

very secondary consideration as to who first printed and issued it was never mooted, for probably fifty years thereafter, when I was called upon by sundry persons to give my recollections upon the subject which called for the responses in . . . several publications. . . .

"At the time I put the song in type, I was an apprentice in the office of the Baltimore *American* and lived in the family of Mr. Murphy—and as this may probably be the last time I will be called upon again to publicly allude to the transactions detailed, I must ask to be permitted here to bear my tribute to the worth and excellency of character of my old friend [Mr. Murphy]. . . . He was with the rest of the hands of the office and was at the front in that gallant corps of riflemen, the Sharp Shooters, which was pushed forward in the advance of our little army to reconnoiter, and it was to two of them (Wells and McComas) the death of General Ross was attributed, the smoke of their guns indicated whence the fatal shots came which killed the gallant general and a volley from the escort of Ross was poured into the copse of wood whence the firing proceeded, which caused these two youthful heroes to bite the dust."

To the fourteen-year-old apprentice boy Wells and McComas were greater heroes than a man who brought work to the office, in all likelihood just as Sands was about to skip out for a chat with the boys at the batteries. The time for rejoicing was not yet. For that very reason Key's song was more inspiring. It was widely sung in Baltimore that week but enthusiastic patriots who declare that it spread like wildfire are mistaken. It was a fortnight at least before the militia left the trenches, before the judges donned their robes and housewives

returned from visits to their cousins in the counties. In Fort McHenry the garrison of regulars remained. The volunteers returned to their homes to discover that many of their comrades who had joined the riflemen were now carried off as prisoners to Halifax. In the exchange of prisoners arranged by Joshua Barney in October the British had a large balance of men. With Negro refugees they were shipped north to Nova Scotia. Being plain soldiers they lacked Dr. Beanes's venerable influence, or what we nowadays cynically denote as "political pull."

Francis Scott Key's effusion was not the only rhyme inspired that week in Baltimore. One poem, by an unknown Virginian, celebrates the bravery of the Virginia militia—those fellows from the Old Dominion who, remaining in Washington during the battle of Bladensburg, had traveled on to take an inconspicuous part in the defense of Baltimore. This forgotten eulogy begins:

Old Ross, Cockburn and Cochrane too,  
And many a bloody villain more,  
Swore with their bloody savage crew,  
That they would plunder Baltimore.  
But General Winder being afraid  
That his militia would not stand,  
He sent away to crave the aid  
Of a few true Virginians.

Then up we rose with hearts elate  
To help our suffering sister state.

After many verses concluding with such refrains as:

Long may we have brave Armistead's name  
Recorded in the book of fame.

or:

The ladies clapt their lily-white hands,  
Exclaiming as we passed the street,  
"Welcome, ye brave Virginians—  
May heaven all your foes confound  
And send you home with laurel crowned,"

the ballad concludes with a truly rousing stanza:

But now their shipping's out of sight,  
And each man takes a parting glass,  
Drinks to his true love and heart's delight,  
His only joy and bosom friend.  
For I might as well drink a health,  
For I hate to see good liquor stand—  
That America may always boast  
That we are brave Virginians.

There were, it is true, some true-blue Virginians at Baltimore—but very few. Another poem, author unknown, was simply entitled "Fort McHenry." It was evidently written during the funeral ceremonies for the fallen. One of its stanzas:

Where white-bosomed commerce late reigned o'er the tide  
And zephyrs of gladness expanded each sail,  
I saw hostile squadrons in dread array ride,  
While their thunders reëchoed o'er hill and o'er vale.

These examples of other poems inspired by the attack on Baltimore are quoted because they demonstrate, first, that it was not peculiar in 1814 for a man to scribble a verse during or immediately after a battle; second, because they reveal the

common custom of unsigned poetic contributions at the time; and third, because by contrast they make it clear why "The Star-spangled Banner" lived while other ballads, odes and eulogies perished.

Key had not signed his poem. Nicholson, taking charge of the publication of it, had simply described the author as a "gentleman"—an anonymity on Nicholson's part which Sonneck, in his report, ascribes to "modesty or an editorial whim." As late as September 27, 1814, in the *National Intelligencer* of Washington—practically Key's home town—the editor, after reprinting the "Defence of Fort M'Henry," remarked, "Whoever is the author of those lines, they do equal honor to his principles and his talent."

Hence it is apparent that although Key acknowledged the authorship of the song among his friends he did not at first regard it as more than a parody, a timely effusion, a minor little thing such as he was in the habit of composing for his friends. He had given it no title. Judge Nicholson, as a warrior in Fort McHenry, called it "Defence of Fort M'Henry." Not until January 6, 1815, is there any record of the title as "The Star-spangled Banner." On that date the following advertisement appeared in the *National Intelligencer*:

"Star Spangled Banner and Ye Seamen of Columbia.—Two favorite patriotic songs, this day received and for sale by Richard & Mallory, Bridge Street, Georgetown."

Key lived in Bridge Street, Georgetown. He may have had a hand in arranging for this publication in sheet-music form. But it is doubtful. No copy of this first publication under the title of "Star-spangled Banner" has been preserved. We shall never know whether Key named it thus, or whether some

excellent editor did so. The chances are that Key, who sometimes attended the glee club in Georgetown, first referred to it himself as his star-spangled-banner song.

For the next fifty years Key's name seldom appeared on the song. The music, written for the Anacreontic song by John Stafford Smith, was often erroneously ascribed to Dr. Samuel Arnold, although usually it was simply designated as "To Anacreon in Heaven." Key himself did not keep track of the many republications of it.

By the end of 1814 the song had appeared in a book. Under its original title, "Defence of Fort M'Henry," it was lifted from the Baltimore newspapers and included in "The National Songster," first Hagerstown edition. Hagerstown, the county seat of Washington County, Maryland, was frequently visited by John Ross Key and Roger Brooke Taney, and occasionally by Francis Scott Key himself on legal matters. A member of the family may have brought the song to the attention of Messrs. Gruber and May, publishers of the "Songster."

For an interesting and stimulating record of early editions of the song Mr. Sonneck's report—preoccupied with the music of the anthem—is unsurpassed. He discovered that from 1814 onward the song was widely circulated and reprinted, that it was included in many songbooks, but that (after the first enthusiasm during the War of 1812) its second burst of popularity came during the Civil War, after which it was often considered the unofficial national anthem.

The song at once, however, doomed "Adams and Liberty" to oblivion. "To Anacreon in Heaven" was forgotten. The tune, after the middle of the past century, was known as the tune of "The Star-spangled Banner." New parodies and paraphrases to this old tune now become exclusively imitations of

United States. The song, already practically recognized as such, scarcely needed congressional sanction. The Linthicum Bill, passed by the House in 1930 and the Senate in 1931 and signed by President Hoover, was very brief:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that the composition consisting of the words and music known as 'The Star-Spangled Banner' is designated the National Anthem of the United States of America."

The debates in both houses were heated and witty. The old Anacreontic verses were unearthed and quoted, to the amazement of the lawmakers. Key was wildly described as a "writer of songs for vaudeville." His poem was attacked as mediocre, stilted, without poetic merit. The tune was denounced as unsingable, un-American, unmarchable.

Editorial comment was no less picturesque than the debates in Congress. The anthem was described as "warlike," "beyond the vocal range of patriots," "written in honor of an event of no importance in American history." But the editorials, particularly those in the *New York World*, stated the merits of the song better than Congressman Linthicum himself. When the bill was first debated in Congress, the *World* said on February 3, 1930:

#### "MORE ON OUR ANTHEM

"In Washington the other day a sub-committee of the House listened to arguments in favor of the bill to make 'The Star-Spangled Banner' official by law, and also heard arrangements of the air which are supposed to make it more singable. We wish to say that we are opposed to both of the proposals which

the committee had before it: we are opposed to any law designating this anthem for official use, and we are opposed to any changes in it.

"With regard to the first, we have stated our reasons only recently. In brief, they are that the anthem is already as official as need be, and the passage of a law would merely bind future generations to a composition which time may outmode. With regard to the second, we believe the suggested changes would impair the beauty of the air, and at the same time fail to accomplish what they set out to accomplish. As described in the newspapers, they consist of lopping off those notes which occur below the staff, writing higher notes in their places, and then of transposing the whole composition to a lower key. The idea, of course, is that if the extraordinary compass of the work can be shortened . . . the key can be lowered without putting the lower notes out of reach of all except a basso profundo.

"But it is an elementary principle of singing that you cannot write a composition in an unnaturally low key without producing grotesque results when it comes to be sung. . . .

"The truth is that 'The Star-Spangled Banner' is one of those things which are quite unsingable, except by professionals, and probably there is nothing to do about it. And is this so very regrettable? Not to our thinking. As we have already pointed out, it saves our anthem from being worn threadbare by many repetitions; it is reserved for ceremonial occasions, when it is performed by competent musicians; thus it retains a suggestion of dignity and glamor. That, we submit, is as it should be."

A little later, on March 31, the *World* restated its opinion of the anthem in the following comment on the Music Supervisors' Conference:

## "THE NATIONAL ANTHEM

"The Music Supervisors' Conference, meeting at Chicago, opposes the bill before Congress which would make 'The Star-Spangled Banner' official by law, and on these grounds: (*a*) that it is too warlike in spirit; (*b*) that it is the product of a single historical event, and (*c*) that it is too difficult for school children to sing. Well, we are opposed to the bill too, our feeling being that the anthem is already as official as need be, and that to make it more so would be merely to bind future generations to a tune whose appeal may disappear but which a law would make it very difficult to get rid of. But we are not opposed to the anthem, and we regard as specious these various arguments against it.

"It is true that the anthem is somewhat warlike. But that is a characteristic to be found in most anthems that have really stirred whole peoples; indeed, there is a certain logic in it. For a national anthem, if it is anything, is a symbol of allegiance, like the flag; but allegiance has hardly any meaning until a country goes to war. At other times it is hardly more than a stamp on a passport, and so has a much narrower scope than real patriotism, with which it is often confused. Thus, provided an anthem does not actually advocate war, as 'The Star-Spangled Banner' certainly does not, some talk of war here and there in its verses is more or less unavoidable.

"The second ground we pass over, as it obviously has little sense to it and seems to be thrown in merely to stuff out a case. As for the third ground, it is to our way of thinking the one big point that can be made in favor of the present anthem. What if school children could sing it? We should be so sick of it by now that we could not endure the sound of it, as the French are

sick of the 'Marseillaise.' The virtues of 'The Star-Spangled Banner' are that it does require a wide compass, so that school children cannot sing it, and that it is in three-four time so that parades cannot march to it. So being, it has managed to remain fresh, not frayed and worn, and the citizenry still hear it with some semblance of a thrill, some touch of reverence. That much, we venture, can be said for few other anthems. This country, we fear, does not realize what a fine anthem it really has."

In 1914 Mr. Sonneck, in his introductory remarks to his report on the music of the anthem, wisely refused to become embroiled in the controversy as to whether or not the tune was a perfect one. With admirable detachment he accepted the tune and the words for what they already had become. Said he:

"Every patriotic American would rejoice, with the author of this 'Report,' if it could be shown by documentary or other unimpeachable evidence that 'The Star-Spangled Banner' both in words and music was of American origin. If that can not be shown, then every patriotic American will be sensible enough not to betray irritation of his patriotic pride because the music of our 'Star-Spangled Banner' had its origin in some 'monarchical' country of Europe, whether that be Turkey, Russia, Germany, France, England, or Ireland. Nor is there any patriotic reason, so far as I can see, why the citizens of the republican United States, founded by men of English, German, Irish or other descent, and fought for by Irishmen against Irishmen, Englishmen against Englishmen, Germans against Germans, should be expected to smart under the theory that 'To Anacreon In Heaven' was of English, not of Irish, French, or German,

origin. . . . We took the air and we kept it. Transplanted on American soil, it thrived. As 'To Anacreon in Heaven' of European origin the air is obsolete and extinct; as to the air of 'The Star-Spangled Banner' it stirs the blood of every American, regardless of his origin or the origin of the air."

Key's words preserved the tune, and the tune preserved Key's words. Neither, we are safe in saying, would have lived alone. Together they are part of a tradition so powerful that the law of Congress, making them official, was but a gratuitous compliment.

## CHAPTER IX

### AFTER FORT MCHENRY

SIR ALEXANDER COCHRANE set sail for New Orleans, where, after the peace was signed but before he received word of it, his men were trounced by Andrew Jackson.

After an autumn of dashing raids on villages and plantations, Cockburn in the following year was ordered to hoist his flag aboard the *Northumberland* and carry Napoleon to St. Helena.

Major Armistead, promoted to a colonelcy, took the battle flag for repairs to Mrs. Mary Young Pickersgill, who had made it. You may still see her neat embroidery round every shell hole. Securing permission from the government to keep the flag as an heirloom, Armistead bequeathed it to his daughter Georgianna, who is said to have been born in Fort McHenry; she married W. Stuart Appleton of New York, and their son Eben presented it to the National Museum in Washington in 1912.

"Bossy" as ever, Dr. Beanes returned to Upper Marlborough and for fourteen more years lived in his mansion and practiced medicine in his little brick office.

Colonel John S. Skinner, after serving as postmaster of Baltimore, founded the *American Farmer*, a publication in which he was associated with Samuel Sands, the erstwhile apprentice boy who had set the first broadside of the anthem in type. At one time Skinner served as editor of *The Plow, The Loom and The Anvil*.

Francis Scott Key, after a brief visit at Terra Rubra, brought his family back to Georgetown.

So far as he was concerned the war was now over. The banks, reopening, bulged with the funds of the privateers. The Federalist party, practically annihilated, was, like a wounded lobster, sprouting Whig claws and feelers. President Madison called Congress to meet in the old patent office. Andrew Jackson was in the South. . . . New England, although horrified by the destruction of the Capitol, was still talking of a separate peace with England and of secession from the Union.

Upon returning to Georgetown Key found that his brief military career had not purged his soul of discontent.

He did not know that he had written the national anthem. Again a lawyer in the teeming town of Washington, he resumed his correspondence with John Randolph. In July, after his march to Benedict, he had dispatched a note to Randolph, and Randolph had chided him for not once mentioning Napoleon. Said Randolph in a letter, which may very well have been the old letter on the back of which Key penned the first draft of the anthem:

"I have but a half sheet of paper left, and it is too late to send to the courthouse (thirteen miles) for more. But with this half sheet and half a drop of ink diluted to a penful, I hope to make out something like a letter. . . ."

Randolph kept copies of all his letters. It would be interesting to speculate whether or not this pale-inked epistle was the "old letter" in Key's pocket when he wrote the first phrases of his song while lying under the admiral's frigate. If so, it probably reached a wastebasket in the Fountain Inn, in Baltimore. In this very letter, Randolph spread his penful of ink a long way, saying:

"I saw some accounts of your campaigns [the march to Benedict] in the newspapers. Your labors, my good friend, are drawing to a close. . . . Rely upon it, we shall have peace forthwith. The points in 'contestation,' our rulers say, are removed by the peace in Europe, and will not be 'touched' (another favorite phrase) in the treaty of peace."

As usual, Randolph was right. The impressment of seamen, the blockades and embargoes, were not "touched" in the Treaty of Ghent. Continued Randolph:

"You say nothing of Bonaparte. How I long for a half an hour's chat with you on the subject of these late surprising and providential events. Present me affectionately to Mrs. Key and your little one, and remember me kindly to West and Ridgley, when you see them. If Lord Byron's Ode to Bonaparte is in Georgetown, pray send me a copy by post."

While at Terra Rubra Key received another letter from Randolph, which had been forwarded from Georgetown. This letter, describing Randolph's own activity in the defense of Virginia, contains references to Randolph's alarm for the safety of the Keys and of Mr. West of Woodyard. "Thank God!" wrote Randolph. "Georgetown is safe. Pray, let me hear from you." And, earlier in the letter, "You will readily conceive my anxiety on the subject of my friends at Blenheim, the Woodyard, and Alexandria."

We do not know exactly when Key returned from Terra Rubra to Georgetown, but it cannot have been later than the first of October. Upon the resumption of business and commerce his legal services were again in demand. Like everyone, he was pressed for ready cash. Cheap paper money had lifted

prices. In all likelihood he took with him from the Pipe Creek plantation a store of hams, fruits, vegetables, flour, and buckwheat. The uncertainty of city life in times of emergency was demonstrated. At Terra Rubra life was self-sufficient and leisurely, while in Georgetown many wealthy men, far removed from their agricultural lands, were despite credit in need of necessities.

This sense of insecurity, when clients were few and courts were closed, contributed to his desire to escape from his law office into a career more to his taste. He had tried the army. He did not like it. The anticipated peace, welcome as it was, almost, in the words of Randolph, "anticipated his schemes to be of service to this poor country." Half regretting that he had not entered the church, he aspired to write poetry, not even dreaming that his spangled-banner song would be sung down through the ages. In a muddle, wanting to be a man of mark, he dreaded the turmoil of the hustings. At thirty-five a change in career is almost impossible.

Men like Henry Clay and John Calhoun, of his own generation, and his friend Randolph, as well as James M. Garnett of Essex, Virginia, were forever in the thick of historic movements and ideas. Congress and the country were impressed by their useful talents. He, on the other hand, lived by a profession that had little to recommend it. His income depended upon human errors. Confessing his self-dissatisfaction to his friends, he sought a cause, a crusade. His part in the Lancaster school seemed to him a small thing.

He was not impelled by avarice or ambition, but by the kind of idealism that nowadays leads intelligent young men and women into social-welfare activities. Packing away his uni-

form, he read Burke, Washington, Jefferson, Hamilton, decided to try his hand at journalism—to become a political essayist.

### INCIPIENT JOURNALIST

In the autumn of 1814, dismayed by the possibility that New England would secede from the Union, he discussed with his friend James M. Garnett, of Essex, the founding of a national newspaper patterned on the English reviews. Believing that Key would make an excellent editor, Garnett at once began to organize plans for the publication.

Key was delighted. His easy intuition of affairs domestic and foreign would now reach a national audience.

It must be repeated that the War of 1812 almost split the Union. Only by the grace of God and the Adams family was New England prevented from seceding en bloc and forming a Confederacy. To some degree New England's mood was tempered by a letter which John Randolph wrote at the time of the Hartford Convention. Randolph, himself as opposed to the Madison administration as any New Englander, pointed out in his classic letter how ephemeral one administration is in the course of a nation's history. He said that both England and America were saddled with an objectionable government, and he prophesied that when the current administration (Madison) was turned out the wounds would heal. Virginia—his country!—had compromised many a time for the good of the entire Union.

Well aware of the vast problem of keeping the Union intact, Key, as a tolerant middle-of-the-road man who had not participated in the party battles before the war, now possessed influence almost as great as Randolph's. He felt it his duty to

appeal to the nation for unity. Fortunately the peace signed at Ghent left New England with little justification for the proposed New England Confederacy.

The peace, however, solving the major problem which Key had intended tackling in a national newspaper, dampened his enthusiasm for journalism. Garnett, meanwhile, urged him to reach a decision about the editorship. Key consulted Randolph.

Still undecided whether he would run for Congress again, Randolph wrote to Key in March, 1815, inquiring about the newspaper.

"What are you going to do—have you given up the editorial scheme? Do you really think that the mere restoration of peace has anticipated all your schemes to be of service to this poor country? Are the present men and measures riveted upon the nation, at least for our lifetime? I think so, and therefore I wish to keep out of the vortex 'betwixt vexed Scylla and the hoarse Calabrian shore'; not to tread that 'huge Serbonian bog, where armies whole (of politicians) have sunk.' "

James M. Garnett, a transcript of whose correspondence with Randolph is on file in the Library of Congress, wrote to Randolph, hoping to learn more of Key's plans for the future. His letter of May 27, 1815, includes the following paragraph:

"Three days ago I received two letters from F. Key, between whom and myself there is, at present, a treasonable conspiracy hatching to set up in Washington an impartial, independent and national newspaper. How it will terminate I can not yet say. One extract from his first letter I must take the liberty to give you—not only because it completely characterizes the man's feelings toward you—but because it will shew you that

your friends rarely write to each other without making you, or your concerns, one of their topicks."

Key soon became frightened by the idea of editorial responsibility; or perhaps, on frequent visits to Woodley where his Uncle Philip lay ill, he was impressed by the advantage of continuing the practice of law. We have no record of his letter to Garnett; but Garnett wrote to Randolph only four days later, on May 31, 1815:

"I wrote you a few days ago and among other topicks mentioned a project now in agitation between Key and myself, to establish a paper in Washington. My wish was that Key should be Editor & that some six or eight 'good men and true' scattered through different parts of the country should constantly write for it. Key replies that he could not be more than 'an occasional contributor.' The other parts of the scheme he appears to approve—has requested me to send him a prospectus and speaks of some New Jersey man who could be relied on as an editor. I have not yet decided whether this plan would do and have suggested another, to which there has not been time to get an answer."

This ends Garnett's correspondence with Randolph on the subject of the newspaper. Key lost interest in the idea. Soon Garnett confessed to Randolph, "Friend Key has been as silent as you have."

At about the same time as this correspondence was developing on the subject of the journalistic enterprise Key was writing to Randolph about religion. Randolph, sentimentally an Anglican, scoffed at God, affected at times to be a Mohammedan or a Voltarian atheist, and failed to observe how moodily Key was

preoccupied with theological brooding. He announced that Key was the happiest man on earth.

When very ill, as he was in 1815, Randolph often beseeched Key to console him, and Key added his voice and pen to those of William Meade, who forever strove to win Randolph back to his pew in the church. In oversanctimonious letters Key pictured a religion so strict that Randolph, literary and lusty-minded, would have none of it. Although he was respectful of the clergy Randolph could not believe in redemption. He wanted to, but simply could not. On July 4, 1815, Randolph said:

"The only men I ever knew well, ever approached closely, whom I did not discover to be unhappy, are sincere believers of the Gospel, and conform their lives, as far as the nature of man can permit, to its precepts. There are only three of them."

Key was one, the Reverend William Meade was another, and the Reverend Moses Hogue of Virginia the third.

It is remarkable that Randolph, always a patient listener to tales of woe, refused to believe Key's protestations of unhappiness. Beholding Key's happy family, his wife so deeply in love with him, Key's plaintive glance following Polly Key as she crossed the drawing room, hearing Key's merry voice, friendly even in family prayer to God, Randolph thought Key—simple, sincere, honest Key—as happy as he was innocent. But Key was wretched. He felt futile. He wanted to enlarge his life. He did not know that his name would be remembered forever for the effusion he had written in Baltimore harbor. Aspiring to large, constructive deeds, he hoped to escape from petty lawsuits; yet he still could not decide in which direction to escape.

If he could have put Scott's glorious verses out of his mind he would have written poetry. But compared with Scott he was honest enough with himself to admit his limitations.

In the end he was driven by the unaggressiveness of his own character to add any social and religious schemes he had to his career as a lawyer, to include them in his capacity as attorney-at-law. He hadn't the heart for editorial squabbling nor the confidence in himself for a literary apprenticeship. His family did not approve of an evolution from lay reader to minister of the gospel.

Suddenly plunging with enlarged vision into a resumption of his law practice, he kept two law students busy in his office. In addition he taught his own children their daily lessons, dominated the local Lancaster school, and carried on an extensive correspondence. He remained a lay reader—as was also one of his law students—visited the sick, attended church conventions, and wrote poetry only when he felt the urge of whimsy.

In the summer of 1815 Philip Barton Key died at Woodley. Although Key had been nurtured by this brilliant uncle they had usually been on opposite sides in political debate. But they had never given way to anger. Key read with approval the obituary notice in the *Federal Gazette* which upheld Uncle Philip's opposition to the war, saying: "In the trying period which preceded and followed the declaration of the late war he was a member of Congress, where his masterly exertions were never wanting to avoid the needless provocations to hostility, to preserve our commerce and peace, and for the re-establishment of that blessing as soon as it could be regained."

The memorial verse which Key wrote is an undistinguished piece, but it reveals two things: his adoration of his uncle; and his religious temper at the time:

## TO PHILIP BARTON KEY

Who departed this life July 18, 1815

If nature's richest gifts could ever,  
If genius, wit and eloquence, could charm,  
If grief of sorrowing friends, or anguish wild  
That wrings the widow's and the orphan's heart,  
Could soothe stern death, and stay th' uplifted stroke,  
Long had this victim of his wrath been spared.  
Mourning survivors! let all care give place  
To that great care that most demands your thoughts;  
The care that brings the troubled soul to Christ;  
Fix there your hopes. There is, beyond the grave,  
A life of bliss, where death shall never more  
Part you from joys that know no bound nor end.

A great lawyer, Philip Barton Key left a fortune to his widow and children. One of his sons studied law with Key and eventually moved to Louisiana.

Philip Key's generation of lawyers were soon to lose their laurels to Key's generation—to Key and Taney, in fact, who eventually were recognized as the leaders of the Maryland bar.

In the next few years Key and Taney, neither yet forty, enjoyed their choice of clients. By the time of the financial depression of 1819, when planters were selling acreage to buy food for their slaves, Key was well-to-do, able to afford his visits to the hot springs, additions to his law library, and the education of his children.

In the year after the war both Key and Taney became intensely interested in finding a solution for the problem of slavery.

It is an old and paradoxical footnote to history that Key was a founder of Liberia, yet prosecuted an anti-slavery agitator in 1836; that Taney, when chief justice, declared the Missouri Compromise unconstitutional in the famous Dred Scott decision, yet in 1819 defended a man accused of inciting slaves to riot.

## CHAPTER X

### THE COLONIZATION SOCIETY

#### FOUNDER

IN the spring of 1816 Randolph returned to Congress. Key saw much of him. They sat for the artist Wood and agreed to exchange portraits—Randolph scowling, Key smiling. Randolph was commencing his furious opposition to the charter of the Bank of the United States. The charter, however, was granted. The bank existed until Taney, as secretary of the treasury under Jackson, withdrew the federal funds and precipitated America's first "bank holiday." Talking to Randolph of politics and religion, Key no longer referred to the impulsive editorial scheme which he had entertained the year before. Determined to continue the practice of law, he said that he could graft other activities upon that career. He could study slavery and become an expert in the constitutional aspects of the institution. He could write poetry.

Randolph, who sympathized with the creative urge wherever he found it, was encouraging. He pictured Key becoming an American Walter Scott.

He still attacked the Lancaster school as the offspring of an impostor. Key defended it.

At times during this year Randolph's tantrums and temper in Congress indicated a disorder of the mind. In Key's house Randolph wept when he told Mrs. Key that she reminded him

of his dead sister. Yet he talked mildly and quietly to Key. The two men were sometimes joined by Richard W. West, by Sterrett Ridgley, by Reverend Meade and Dr. William Thornton. To a man they favored the election of James Monroe, predicting the "era of good feeling" which followed.

At this time Dr. Thornton and Key were concerned with their project for the colonization of freed slaves in Africa. Randolph dampened their enthusiasm by pointing out the weaknesses of the plan, but he agreed to attend the first meetings and make a financial contribution.

Early in May, before he returned to the solitude of his plantation for the summer, Randolph rode over to Key's house for an interview with his friend. But, Key being away from home, he strode into Semmes's Hotel and wrote a note.

"Hearing at Davis's yesterday that you were seen in Georgetown the evening before, I came here in the expectation of the pleasure of seeing you; but my intelligence proved to be like the greater part that happens under that name in this poor, foolish world of ours. I had also another motive. I wished to give Wood an opportunity to finish the picture. I called last evening, but he was gone to Mt. Vernon. I shall drive by his apartment, and give him the last sitting this morning. It is a soothing reflection to me, that your children, long after I am dead and gone, may look upon their sometime father's friend, of whose features they will have perhaps retained some faint recollection. Let me remind you that, although I am childless, I cannot forego my claim to the return picture, on which I set a very high value.

"Your absence from home is a sore disappointment to me. I wanted to have talked with you, unreservedly, on subjects of

the highest interest. I wanted your advice as a friend, on the course of my future life. Hitherto it has been almost without plan or system—the sport of what we call chance.”

Randolph consulting Key about a definite plan for his life! Consulting Key, who himself was not yet organized into a definite tangent! Yet Randolph went on, in this appealing letter, to confess that he craved spiritual advice. His mind was full of misgivings, doubts and perplexities about religion—particularly of forgiveness. He concludes:

“In short I am in the worst conceivable situation as it respects my internal peace and future welfare. I want aid; and the company and conversation of such a friend as yourself might assist in dispelling, for a time at least, the gloom that depresses me. I have humbly sought comfort where alone it is effectually to be obtained, but without success. To you and Mr. Meade I can venture to write in this style, without disguising the secret workings of my heart. I wish I could always be in reach of you. The solitude of my own dwelling is appalling to me. Write to me, and direct to Richmond.”

Upon finding this note Key played the rôle of Christian counsellor. His language, often brilliant in court and drawing room, now descended to mundane exhortation. “If you are convinced you are a sinner,” he wrote, “that Christ alone can save you from the sentence of condemnation; if you make an unconditional surrender of yourself to his service, he will in no wise cast you out.”

Then he went on to urge Randolph to adorn the doctrines of the church; to resist the temptations that opposed him; to welcome the change from darkness to light.

Randolph, who had in the past scoffed at such religious advice, now tolerated it. He begged the secret of Key's complacent goodness.

Key replied that he was not so happy as he seemed, that he too was troubled and dissatisfied, that he often lacked a motive.

Picturing Key amid his family in Georgetown, with a wide range of wholesome interests, Randolph ejaculated, "If your life is so unsatisfactory to you, what must that of others be to them?"

Fortunately for Key, in this very summer of 1816, the early discussions of the American Colonization Society gave him the cause that he longed for, the opportunity he felt had not yet been vouchsafed him.

Dr. Thornton, years before, had debated the feasibility of colonizing a boatload of free blacks in Africa. Already, in the small city of Washington, a wretched community of manumitted slaves were finding competition with free white labor impossible.

The Haiti insurrection of 1791 had sent a wave of alarm through the United States. The French Revolution, as Randolph had said in his classic oration against the War of 1812, had infected the most backward and illiterate sections of the world with its so-called doctrine of equality. Then, during the War of 1812, when British invaders (who had found it practical to arouse Indians on the frontiers) put weapons into the hands of refugee blacks along the Atlantic, it was obvious that, aside from its inhumanity, slavery was a menace to the security of life and property of every slaveholder.

At Key's house the problem was discussed with Randolph, with the Reverend Meade, with C. F. Mercer, "the Wilberforce of America." Key had defended Negroes in court, taught his

father's and his own slaves to read and write, and encouraged their joining the African Methodist church. Coming from a rural section within ten miles of the Mason and Dixon line, he had been reared among Quakers and Methodists as well as among the German sects that were early opposed to slavery. Besides, out of his own deep religious nature he knew that slavery was wrong. It had been forced upon America by European colonizers and by New England slave traders, yet it could not be abolished overnight. This is the point which the sincere but fanatical Abolitionists never saw; it was an evil and injustice as bad as slavery to free all one's slaves in one sudden gesture, to leave them without dignity or means of support. It was, indeed, as cruel as it is to close a factory and discharge all employees because the working conditions are criticized.

If a foothold, a colony, could be found for freed slaves, thought Key and his companions, it was possible that slavery would disappear gradually and without suffering to either whites or blacks.

By December of 1816 Henry Clay had agreed to preside over the first meeting of those interested. The society was proposed by the Reverend Robert Finley of New Jersey (a friend of Meade's, a brother-in-law of Dr. E. B. Caldwell of Washington, and probably the "man from New Jersey" whom Key had suggested to Garnett as an editor of a national newspaper). Randolph attended the first meeting with Key. He might have continued his support had it not been for Clay's affiliation with the society. He already loathed Clay, later fought a duel with him, and considered that the negotiation of the treaty of Ghent was the most commendable thing that Clay ever did.

At the first meeting it was agreed that the society should not exist for the purpose of freeing slaves, but only for colonizing

all freed slaves who of their own accord wished to leave America, where their opportunities were limited.

A committee was appointed to prepare a constitution and rules for the society. Key was one of the first men selected. With him on the committee were Supreme Court Justice Bushrod Washington, Dr. E. B. Caldwell, James Breckenridge, General Walter Jones, Rush and W. A. D. Worthington. By the end of December, after many committee meetings and several open meetings, the constitution was complete. It was adopted December 28, 1816. On January 1, 1817, so swiftly had the entire scheme caught the imagination of the national leaders in Washington, a large mass meeting was held at which Bushrod Washington was elected president of the society. Key, with Finley, was elected a vice president. E. B. Caldwell was made secretary.

This meeting took place before the Abolitionists of New England had sowed their seeds of hatred between North and South, before the disciples of Garrison denounced the constitution of the United States as "a covenant with death and an agreement with hell" because it sanctioned slavery, little realizing that if the constitution had abolished slavery it would never have been ratified. Respectful of the constitution, the early promoters of the American Colonization Society, mostly from the middle states, were moderate. Their constitution, as Key and Bushrod Washington framed it, stated that:

"ART. 1. This society shall be called the American Society for colonizing the free people of color of the United States.

"ART. 2. The object to which its attention is to be exclusively directed, is to promote and execute a plan for colonizing (with their consent) the free people of color residing in our country,

in Africa or such other place as Congress shall deem most expedient. And the Society shall act to effect this object in co-operation with the General Government and such of the States as may adopt regulations on the subject."

Not long afterward William Meade was made general agent of the society. Key was one of the thirteen agents appointed to raise funds and interpret the motives of the society to residents of both free and slave states. C. F. Mercer, an ardent but thoughtful man, who had come under the influence of William Wilberforce (the man who did most to remove slavery from England and England from the slave trade) was in the next few years to discover in Key a man after his own heart. Tactful and considerate, Key did not antagonize slaveholders by his pleas for the society. With Meade, thoroughly aware of the delicate necessity of distinguishing the object of the society from general and hasty emancipation, he traveled extensively through the eastern states, speaking in churches, schools and town halls.

Feeling that it was a cause worth sacrificing for, he braved the criticism of many of his friends. In 1819, as a member of a committee with Walter Jones, John Mason, and Dr. Caldwell, he presented a memorial to Congress. The statement of the committee suggested that "if colonization resulted in *complete abolition* of slavery . . . who can doubt that of all the blessings we may be permitted to bequeath to our descendants, this will receive the richest tribute of their thanks and veneration?"

Alas for the veneration of their descendants! Key is remembered for the anthem. Yet, had the Colonization Society not met with the bitter opposition of the Abolitionists it might have brought true this prediction of the committee. President Monroe, after whom the capital of Liberia was named, was helpful.

Due to his assistance the first vessel sent to the African coast was chartered and paid for by the government. The agents, too, were paid by the government of the United States. Key personally interested the secretary of the navy in carrying freight to Africa.

Unfortunately the first Negro settlers arrived in the wet season, without sufficient medical supplies. The mortality rate was high, but no greater than the death rate among the first settlers in New England.

As the antislavery contention grew in the North many of the original members of the Colonization Society dropped out of the organization. They were unwilling to be identified in the public mind with the growing abolition movement in New England. But Key, Meade, Finley, and Caldwell remained. Less than a year before he died, in May, 1842, Key made one of his most stirring speeches on the subject. By that time he had suffered a generation of abuse and misunderstanding. The Maryland Society had seceded from the American Society and founded its own colony at Cape Palmas. Yet he still pictured colonization as the only possible solution of the slavery problem. Said he in that speech:

"A prosperous colony [Cape Palmas] of about six hundred emigrants has arisen with all the order and institutions of a well-organized society, under the fostering care of the Maryland legislature and citizens, at a cost of less than a single plantation in the South."

His slogan for the Negro was "Commerce, civilization, and colonization." In pleading for the "wronged and wretched outcasts who will be brought back into the family of nations," he

said, "Let their fathers' land be opened to them. That is their only home. Africa is reserved for her original race." There was something of the zeal of a Zionist about his devotion to the cause after it had been smashed by New England opposition and antagonism in the deep South. He manumitted his own slaves. They did not wish to return to Africa and he did not urge them to do so.

"Where else, except in slavery, was ever such a bed of torture prepared by man for man?" cried Key at the close of a notable speech. It required courage for a man to utter such sentiments in Maryland.

Some time after the Society was organized, a conference of the Congregational church decided that representatives should correspond with prominent Southerners. Benjamin Tappan wrote at that time to Key, asking a long list of questions. Key replied by saying that he had been born and reared in Maryland, but "no Northern man began the world with more enthusiasm than I did" for freedom. From childhood, he said, he had felt a desire to see Maryland become a free state. He said he had the strongest conviction that she could become so. It was obvious to him that no slave state adjacent to a free state could continue so. Then he continued:

"I have emancipated seven of my slaves. They have done pretty well, and six of them, now alive, are supporting themselves comfortably and creditably. Yet I can not but see that this is all they are doing now; and, when age and infirmity come upon them, they will probably suffer."

After 1816 Key's law career was influenced by his leadership in the Society. Several historic legal cases thrust him into an

exposition of his ideas on the subject. Since it was his brother-in-law, Roger Brooke Taney, who made the Dred Scott decision, it is of interest to examine an early case of Taney's at Frederick.

#### CELEBRATED SLAVERY CASES

In the first notable case in which the subject of slavery was involved Taney was so zealous for freedom of mankind and freedom of speech that Key may well have envied him. In the March term of court at Frederick, in 1819, while Key was digesting the Dartmouth College case (which had been heard before the Supreme Court the year before) and while the equally momentous *McCulloch vs. Maryland* was inspiring William Pinkney, now a venerable elder statesman, to make his last great speech, Roger Brooke Taney was representing the Reverend Jacob Gruber. We cannot ascertain whether or not Key journeyed to Frederick to hear this case but it is most likely that he did so.

The case arose out of a sermon preached by the Reverend Gruber at a Methodist camp meeting in Washington County, Maryland, in August, 1818. Gruber, presiding elder of the district, had not expected to preach, but, failing to induce another minister to address the meeting, he had without premeditation spoken to an audience of several thousand whites and several hundred Negroes. His text ("Righteousness exalteth a nation, but sin is a reproach to any people.") led him to define sin, which he said was not alone individual sin but national sin, and one of the sins of the nation was slavery. In concluding his sermon he advised his colored hearers to "bear their lot with resignation, to obey their masters, and to seek consolation in religion." Nevertheless, the Washington County grand jury

indicted him for wickedly and maliciously inciting slaves to rebellion. Employing Taney and two other lawyers, Gruber had the case removed to Frederick, where he was tried. The indictment gives a picture of the hysteria at the time. Several slaves had recently attacked their masters but whether or not the actions were due to Gruber's sermon was never proved. Gruber was accused of disturbing the peace, "to the great terror and peril of the peaceable citizens."

The district attorney in opening the case clearly stated that slaves were property according to law, that masters were entitled to protection, that any attempt to incite slaves to rebellion was unlawful; nevertheless, he said that in the prosecution of the inquiry on this occasion it "must not be forgotten that liberty of opinion and speech is the privilege of every citizen, and if Mr. Gruber had no criminal intent in his sermon he committed no offence."

Taney, the strict Catholic, the meticulous interpreter of the law, opened his defense of the Methodist preacher by making one of the greatest speeches of his career.

After informing the jury that the prosecution was without precedent in the state of Maryland and that the jury were the judges of the law as well as of the fact he explained the grounds upon which he meant to rest the defense. He declared:

"I need not tell you that by the happy and liberal institutions of this State the rights of conscience and the freedom of speech are fully protected. No man can be prosecuted for preaching the articles of his religious creed, unless, indeed, his doctrine is immoral and calculated to disturb the peace and order of society. And all subjects of national policy may at all times be freely and fully discussed in the pulpit or elsewhere without restraint or limitation.

"There is no law that forbids us to speak of slavery as we think of it. Any man has a right to publish his opinions on that subject whenever he pleases. It is a subject of national concern. . . . Mr. Gruber rebuked those masters who, in the exercise of power, are deaf to the calls of humanity, and he warned them of the evils they might bring upon themselves. He spoke with abhorrence of those reptiles who live by trading in human flesh, and who enrich themselves by tearing the husband from the wife, the infant from the bosom of its mother, and this I am instructed was 'the head and front of his offending.' Shall I content myself with saying that he had a right to say this? that there is no law to punish him?

"So far is he from being the object of punishment in any form or proceedings that we are prepared to maintain the same principles, and to use, if necessary, the same language here in the temple of justice, and in the presence of those who are ministers of the law. A hard necessity, indeed, compels us to endure the evils of slavery for a time. It was imposed upon us by another nation, while we were yet in a state of colonial vassalage. It cannot be easily or suddenly removed. Yet while it continues it is a blot on our national character, and every real lover of freedom confidently hopes that it may be effectually, though it must be gradually, wiped away, and earnestly looks for the means by which this necessary object may be attained. And until . . . the time shall come when we can point without a blush to the language held in the Declaration of Independence . . . every friend of humanity will seek to lighten the galling chain of slavery, and to better, to the utmost of his power, the wretched condition of the slave. Such was Mr. Gruber's object in that part of his sermon of which I am now speaking. Those who have complained of him and reproached him will not find it easy to answer him."

In the Taney slave quarters—separated from the main home by a vaultlike winerroom—where Francis Scott Key's sister presided over clean, light, and airy lodgings, the Negroes were obviously happy. Yet Taney freed them. He had already come under the influence of the Colonization Society, and in this speech indirectly referred to it. Key himself *must* have attended the Gruber trial. It attracted national attention. Gruber was acquitted—much to the joy of members of the Colonization Society, who feared that their organization might be blamed for Gruber's sermon.

So conspicuous was Key as a leader of the colonization movement that in 1825 William Wirt, then attorney-general of the United States, invited him to assist in the famous *Antelope* case before the Supreme Court. The *Antelope*, a slave-trade vessel under Spanish registry, was captured off the coast of Africa by a Baltimore privateer, the *Arraganta*. The master of the *Arraganta* carried the *Antelope* to South America, where she was wrecked. Thereupon the *Arraganta*, with the crew and the slave cargo of the *Antelope* held captive, attempted to run into a Florida port. She was caught by the United States revenue cutter *Dallas* and fetched into Savannah. There the legal claims began. Spain claimed the slaves on behalf of her subjects who had been seized by American "pirates." A treaty between the United States and Spain expressly stipulated that property discovered in the possession of pirates should be restored to the owners on proof of property.

When the case finally reached the Supreme Court William Wirt employed Key to assist him in resisting the Spanish claims to ownership of the Negro slaves. In opening the argument, which was intended to demonstrate that the slaves were wards of the United States government, Key said, "The Spanish

owners show as proof of property their previous possession; and the possessor of goods, it is said, is to be presumed the lawful owner. This is true as to goods, because they have universally and necessarily an owner. But these are *men*—of whom it cannot be affirmed that they have universally and necessarily an owner.”

The attorneys against Key and Wirt were formidable—Charles Jared Ingersoll and John M. Berrien.

The old Supreme Court chamber in the basement of the Capitol was crowded. Ladies were present from Georgetown and Alexandria. Congressmen and senators, intensely anxious to follow the arguments which were bound to force the subject of slavery upon the Supreme Court, packed into the small room.

One of the beholders of this hearing was ex-Governor Foote of Alabama, who recorded his observations in his “Reminiscences.”

“I was much entertained with the whole argument, but I was particularly with the speech of Mr. Key and that of Mr. Berrien. Mr. Key was tall, erect, and of admirable physical proportions. There dwelt usually upon his handsome and winning features a soft and touching pensiveness of expression, almost bordering on sadness, but which in moments of excitement, or when anything occurred to waken the dormant heroism of his nature or to call into action the higher power of vigorous and well-cultivated intellect, gave place to a bright ethereality of aspect and noble audacity of tone which pleased while it dazzled the beholder. His voice was capable of being in the highest degree touching and persuasive. His whole gesticulation was natural, graceful, and impressive, and was completely free from anything like affectation or rhetorical grimace as any pub-

lic speaker I have known. On this occasion he greatly surpassed the expectations of his most admiring friends. The subject was particularly suited to his thoughts, and was one which had long enlisted in a special manner the generous sensibilities of his soul. It seemed to me that he said all that the case demanded, and yet no more than was needful to be said, and he closed with a thrilling and even an electrifying picture of the horrors connected with the African slave-trade which would have done honor to either a Pitt or a Wilberforce in their palmiest days."

Chief Justice Marshall, who only a few years before had drawn up Randolph's will naming Key as a trustee to colonize Randolph's slaves with pensions, was caught in a dilemma almost equal to that of Taney in the Dred Scott Case. Said Marshall, in his opinion delivering the slaves back to their legal Spanish owners:

"In examining claims of this momentous importance, claims in which the sacred rights of liberty and of property come in conflict with each other; which have drawn from the bar a degree of talent and of eloquence, worthy of the questions which have been discussed, this court must not yield to feelings which might seduce it from the path of duty, but must obey the mandate of the law."

Eleven years after the *Antelope* case Key, as district attorney of the District of Columbia, was compelled to prosecute a Dr. Reuben Crandall on a charge similar to that of which Gruber, whom Taney had defended, had been accused—inciting slaves to rebellion.

This was a cause célèbre. By the time of the Crandall case (1836) slavery debates were in the open. The Abolitionists

were denouncing all Southerners as wicked. The American Colonization Society was split by religious dissension. In order to preserve Key's remarks in the case the Society sent a stenographer into court to transcribe the essentials of Key's speech. Since it places him on record in very readable fashion, and since from his words one may easily grasp the origins of the case, we shall quote freely from the pamphlet which the Society reprinted from the *African Repository*:

"MR. KEY ON THE COLONIZATION SOCIETY

"(Most of our readers are probably aware that in April last Reuben Crandall, M.D., was tried before the Circuit Court of the District of Columbia for Washington county, on an indictment for publishing libels with intent to excite sedition and insurrection among the slaves and free coloured people of that District. His able and learned Counsel adopted a line of defence which brought so prominently into discussion the principles and practice of the American Colonization Society, that a gentleman of great skill and accuracy in the art of Stenography determined to report the portion of one of the speeches of Francis S. Key, Esq., Counsel for the prosecution, which related to that Institution. The report was submitted to Mr. Key for revision, but other engagements prevented him from examining it until recently. It is now presented to our readers, as an exposition of the objects of the Society by one of its founders and constant friends, and as a specimen of the eloquence of a distinguished orator of our country. The note at the end has been added by Mr. Key—Edit. Afr. Rep.)"

With this statement the editor of the *African Repository* launched his pamphlet, from which the following quotations are abridged:

"Mr. Key said the Jury had been truly told that this was a most important case. It would have been so, however it had been defended. But a ground of defence had been taken, somewhat to his surprise, which infinitely increased its importance. The counsel for the Traverser had not been satisfied to rest his defence on the denial of the publication of the alleged libels. They were boldly defended, justified, or excused; they were declared not to be libellous—so that if the Traverser did publish them, he was still to be acquitted.

"There were then staked on the present issue two great conflicting rights:—our right, and the right of the whole slaveholding community, to self-protection; and the right of others to prostrate its laws and disturb its peace,—our right to our property and to our homes, under the sanction of our Constitution, and the right of others to excite to plunder and insurrection.

"If it shall be determined [argued Key] that their right is the strongest—that the right of protection must yield to the right of insurrection, the sooner we know it the better. If we cannot prevent such publications as those charged in this indictment from being scattered like fire-brands among us; if we cannot punish the agents who are taken in the very act of distributing them; if they are to be allowed, to use the language of one of the pamphlets in this indictment, 'to publish them in high places and low places, and in all places where human beings are to be found—to proclaim them from the house-top, and to whisper them in chimney corners'; there is nothing left for us but to yield and take the best terms that our adversaries will give us.

"What those terms are, they tell us. We are to give up our slaves—not for compensation—not gradually as we may be

able to substitute other labour, and as the slaves may become prepared for the change in their condition, but absolutely, unconditionally, immediately. Nor is this all. They are to remain among us—to be admitted immediately to a full and equal participation in all civil and social privileges. Then, if we do not like our new condition, we can go away—and the friends of human rights and amalgamation can come and take our places.”

Listing the libels charged against Crandall, and citing passages from the *Emancipator*, copies of which Crandall had distributed, he then commented upon the Anti-Slavery Society, upon Crandall’s arrival from the West Indies, and upon the attempt upon the life of Mrs. William Thornton, made by a slave under the influence of Abolition pamphlets.

As he reached the kernel of his argument, the pamphlet account of his speech continues:

“The main ground of argument, if not the only one, urged in Crandall’s defence, to show the matters charged were not libellous, was that others had published among us writings of the same import and tendency; that books had been written from the time of the Virginia Convention, and speeches made in legislative, political, and colonization meetings on the same subject, containing the same doctrines, and in language equally strong and exciting. If this could be shown, it was, Key contended, no defence, and furnished no excuse to the Traverser. If Patrick Henry, Mr. Jefferson, Mr. Pinkney and others have written and spoken with freedom and warmth on the subject of slavery in times and on occasions when they considered it safe and fit to discuss such a subject, does it give any warrant to a man like Dr. Crandall, having no common interest with us, to

come among us, and at a time and on occasions which we consider dangerous, force upon us such discussions? Because we may choose, in legislative halls and deliberative assemblies, to discuss questions in which we are interested, even if we did so in language charged in this indictment, is he to be allowed the same freedom? Still further, shall he be allowed to address this language wherever and to whomever he may please? . . . No excuse, no palliation for any interference, much less for such an interference, by such a man, with the rights, the interests, and the safety of others, could be derived from any discussions, however free, intemperate and indiscreet, which we may think proper to allow on certain occasions among ourselves. . . .

"In the parallel they (Traverser's Counsel) have attempted to run between our writers and speakers upon the subject of slavery, and those of the Anti-Slavery Society, they have wholly failed."

In defense of the Christianity of his Southern friends Key denounced the Abolitionist idea that all owners of slaves were sinners. He cited the case of a Quaker whom he had persuaded to forget his principles and purchase a Negro who was about to be sold to the South. With the Quaker sharing in the risk the money was advanced, and the Negro was allowed to work out his freedom. "But," declared Key, "the reasoning of the Abolitionists did not even occur to the Quaker. We did not think our inability to do the greater charity (i.e., give the Negro his freedom outright) was any reason against doing the less (i.e., permitting him to work out his freedom in familiar surroundings)."

Then Key recounted examples of many men who had gone

into debt rather than sell their slaves; of men who could not afford to give their Negroes their freedom; of men who had inherited, let us say, two hundred Negroes, their families and their aged relatives, and who kept them at the expense of their own prosperity. "Such a man remembers," said Key, "the shouts of joy that rung from every cabin, as he galloped past the quarter on his returns from school, to spend his happy holidays among them—and he can't sell them. He gives bonds for his debts—and goes to work with his grateful and rejoicing slaves.

"And this," concluded Key, "is 'a crying sin'—'an abomination'; this is the scene to which the Abolitionist is to come, with his tracts and his pictures;—these are the cabins in which he is to 'whisper in the chimney corners,' like the toad at the ear of Eve, his fiend-like doctrines. These grateful creatures . . . he is to teach that their master is a robber, a murderer. . . . To such a master's dwelling they are to be excited to put the lighted brand—for such a heart they are to sharpen the knife.

"I need not read over again the papers you have heard," Key said, "proving that this is the work of abolition—the plain tendency of the publications which it is scattering throughout the land, and which it avows its determination to propagate everywhere 'where human beings are to be found.' "

The extracts quoted above were not edited by Key. As the editor of the *Repository* explained, the material was printed and Key appended the following note:

"Note A. The present condition of the State of Maryland and its legislation for the last eight or ten years plainly show

that that State is now undergoing the change that will make it a free State. The history of that change will be a demonstration to all our land of this fact—*that no slave state can continue such by the side of a free state*—while the advantages of the change will be so great and so obvious, that the operation of the same causes will be greatly accelerated in other States similarly situated.

“Virginia and North Carolina are already well disposed to learn this lesson. All these States are friendly to the Colonization cause. It owes its success thus far principally to the people of these States. They are unanimous in looking to Colonization as a necessary condition (except in peculiar cases) of emancipation. With this condition, there is in the people of all these States a manifest disposition to emancipation.

“Let slavery be looked at with these facts and anticipations before us. Let the difference in the situation of our different slave States be considered:—One, in the interior, with slave communities all around it, and no free labor within its reach; another with the free labor overflowing from the adjoining free State—the increased rent and price of lands—with its emigrants from other States and foreign countries, no longer deterred by the fact of its being a slave State,—and it will be seen that, apart from humanity, true policy will dictate to the one, a course impracticable to the other;—that the one is happily in a condition to make a prosperous change in its institutions, which the other must wait for—but which will, when circumstances make it attainable, be accomplished in the same way and be equally beneficial.

“Statistical facts in relation to the different States will give much light as to the operation of the principles I have laid down. In N. Carolina at this time land is at less than half the

price of land of the same quality in the parts of Maryland near Pennsylvania. The common rent in N. Carolina is one-fourth, and in Maryland one-half, of the produce of lands of equal quality. In Virginia the same lands are at one-third.

"The contrast also exhibited in the different counties of Maryland, as they are near to, or distant from, Pennsylvania, is very striking. In the former slavery has nearly ceased. In the latter, though decreasing, it still continues, and there is little free labor. But free labor and all its beneficial consequences will flow from what may be said to be the free counties into the others; and they will thus have the means of substituting other labor, while the increasing rents and prices of land will present to them the same inducements to avail themselves of it.

". . . As those circumstances continue to operate, they will, they must part with their slaves. Many will sell them to the south. Many will prefer emancipating and sending them to Africa, if the means of doing so are attainable. Let both doors be set open. They both lead to the advantage of both masters and slaves. Their condition is decidedly better in the south as slaves, than they can be where the little profit of their labor makes their comfortable maintenance in their present condition almost impossible. At the same time every means of encouraging emancipation and removal to Africa should be liberally applied. And surely such masters as prefer this mode of disposition to that of selling them, deserve the assistance of the benevolent.

"Here, then, it may be said to the friends of emancipation in the North and every where, is a State rapidly parting with its slaves, a State where they cannot remain. They must go away, they are going away, either to the South, still to be slaves, or

to Africa, where they will be free and happy, and where too they will have a powerful influence not only in civilizing and enlightening the wretched inhabitants of that continent, and putting an end to the slave trade, but where they will prepare the way for numbers of their condition in our country to follow them to their fatherland.

"Surely those who would choose for them the latter mode of disposition, will not refuse the aid thus called for to accomplish it."

Thus ended the Crandall case. Crandall, an Abolitionist agitator from the West Indies, had set out deliberately to appeal to the Negro population. He was not, like the Reverend Gruber, simply rash and enthusiastic.

The rising tide of Abolitionism, stiffening the defense of slavery in the South, resulted in the failure of the Colonization Society.

Key, a Utopian optimist, never lost his belief that colonization was practical.

In the course of his professional life (as Their Honors on the bench well knew) he had been the common advocate of Negro petitioners for freedom in the courts. He had tried no cases, he said, with more zeal and earnestness. He had considered, he affirmed, every such cause as one on which all the worldly weal or woe of a "fellow creature" depended, and never was his success in any contests so exulting as when on these occasions he had stood forth as the advocate of the oppressed:

The poor his client, and Heaven's smile his fee.

Later he said that experience had abated much of his ardor, for he had seen that much the greater number of those in whose emancipation he had been instrumental had been far from finding in the result the happiness he had expected. Instead of blessings the subsequent history of those persons had showed him that in most cases (with a few consoling exceptions) the change of their condition had produced for them nothing but evil.

For that reason he remained loyal to the Colonization Society. It was a safe, if visionary, way out of the problem. He endured the scorn of Southerners who confused him with the Abolitionists, the mockery of the Abolitionists who considered him a temporizer, the enmity of free Negroes who mistakenly believed he advocated forcible transportation of their entire race to their forgotten homeland.

## CHAPTER XI

### RELIGION

#### FAITH

A BELIEVER in the Lord God of Hosts, a Low Churchman sometimes accused of being Methodistical in his evangelical notions, Key's enlivened and appealing fluency never came closer to the pulpit than when he used to hold up the failing arms of the patriarchal Reverend Addison during the benediction in St. John's Church, Georgetown. However, in his capacity as lay reader he attained such a reputation for ecclesiastical activity that one rainy night a mother, unable to reach the rector's house, carried her ailing infant to his door and asked him to baptize it. Flattered and sympathetic, Vestryman Key gathered his family about him and sprinkled the infant's head—an act that brought him a harsh, scolding letter from formal Dr. Kemp, then bishop.

It happened that Key had opposed Kemp's election on the grounds of "premeditated management" and "insufficient notice"; consequently, he was being baited by the offended High Churchman. So in his reply he wrote the angriest letter of his life. It was the lawyer, not the layman, who sat down at the old mahogany secretary, his wife alarmed at his sternness, and wrote:

"You think it so clearly wrong that a moment's reflection ought to have arrested my progress. I have reflected upon it

since, and deliberately, and am still without any reason for supposing it may be wrong than your telling me so. I hope, sir, you will excuse me for saying this (tho' certainly worthy of serious consideration) is not sufficient for me. I can not acknowledge error when I do not see it, and trust you hold me so entitled to an opinion of my own as not to be bound to renounce it and confess myself wrong merely because any person, though entitled to the greatest respect, thinks differently."

That held the bishop. And it established Key as the leader of the Low Church laymen in general conventions of the church. He had been born within fifteen miles of the first Methodist church in America and to the consternation of High Churchmen he boasted of it, saying that while he loved the ritual of the Episcopalian church and thought it was the best form of worship it was not the only valid one. Insisting upon less perfunctory services in the General Theological Seminary, of which he was a trustee, and also at the seminary at Alexandria, of which he was a founder, he made no secret of the fact that in 1814 he had entertained the idea of preparing for the ministry. How could he? He had at that time written to Kemp, at St. Paul's, Baltimore, saying, "The difficulties which first occurred to me appear insurmountable."

The difficulties, in addition to the war, were a proud young wife and a growing family.

So, though he never became a preacher, he was a remarkably active layman, a speaker at church conventions, public gatherings, and, eventually, at Sunday-school rallies.

He wrote two hymns which appear in the Episcopal prayer book; one, "Lord, With Glowing Heart I'd Praise Thee," is still popular. Its first stanza:

Lord, with glowing heart I'd praise thee  
For the bliss thy love bestows,  
For the pardoning grace that saves me,  
And the peace that from it flows.  
Help, O God! my weak endeavor,  
This dull soul to rapture raise;  
Thou must light the flame, or never  
Can my love be warmed to praise.

The other, written for a Fourth of July celebration in 1832, may likewise be quoted at this point. Its first stanza:

Before the Lord we bow—  
The God who reigns above,  
And rules the world below,  
Boundless in power and love.  
Our thanks we bring  
In joy and praise,  
Our hearts we raise  
To heaven's high King.

In his own generation he represented the reaction against the philosophy of Voltaire, the paganism of Byron, the sentimentality of Tom Moore. Yet he was "hospitable, cheerful and social," and although "averse to frivolity" a humorous and witty guest at all important functions in the capital. Hurrying past the bars in the congressional boarding houses, he nevertheless indulged in wine at home, smoked, took snuff, and not once chided Randolph for his brandy drinking and opium eating. His amiability won him friends in all classes of society. The most abandoned sinner seems to crave at least one "polished Christian gentleman" on his visiting list.

With politeness, Key inspected Dr. Thornton's stable of race-horses, particularly admired his beautiful bay filly, yet he denounced horse racing. Indeed, in 1817 at the church convention, Key had come to believe so deeply in the efficacy of Christian morality as a solution of every problem that with Methodistlike finality he let his zeal run away with him. He who had ridden to hounds and had drunk his share of stirrup cups, he who wrote light verses and once fancied the rôle of playwright, he who had been schooled in Annapolis, a town of ballrooms, rose to his feet and suggested that the Episcopal church legislate against all sorts of dissipation on the part of its members. This unfortunate episode is so well depicted and so aptly criticized by his friend Garnett in a letter to Randolph that we quote part of Garnett's letter. It was written from Essex, the Garnett seat in Virginia, October 3, 1817.

"In regard to our other excellent friend Key, all that I have lately heard of him has been that he has been making in the General Convention at Philadelphia, some very zealous—but as I think, ill-directed efforts, & what we sportsmen call overshooting the mark, to use ecclesiastical Dictation for the suppression of Horse-Racing, Theatrical amusements and Dancing. In the name of Moses & all his Prophets, if these things are in themselves sinful,—to which I say 'credat Judæus'—let the clergy make the Laity religious, both by precept & example, & they will be discontinued. But surely, 'tis beginning at the wrong end to enforce by the censure of the Church, that abstinence of practices which some may think vicious, altho' there be no scriptural interdiction against them, which abstinence can be of no avail toward the attainment of Heaven, unless it voluntarily proceed from a conviction that such practices are

wrong. Key is one of the best men of God's creation, but I much fear he has gotten into a wrong track to expect any great success in leading others to that Goal, at which I earnestly hope we all aim. A passion for amusement in some form or other, is as natural, & in my opinion as innocent, if not too far indulged, as an inclination to eat or sleep.

"All, therefore, the wise & the virtuous should attempt, or can perform, is to *regulate it*. Upon Key's plan, the direction & indulgence of this passion, or in other words, the amusement of Society would fall entirely into the hands of the profligate & abandoned; & how the morals of mankind would improve under such guidance, it requires no Prophet to tell.

"You have more influence over him, I believe, than anybody else; I wish to God, therefore, (if you think with me on this subject) that you would use the first fair opportunity to drop him a few hints, with a view to point his exertions towards more attainable objects. You will not, I am sure, understand me as wishing to check his efforts for the advancement of true Religion & pure morality. All I desire is to change in some degree their direction. Neither will you believe that *individually*, I care a farthing whether the Church allows or interdicts the amusements talked of; but I feel deeply interested in the prosperity of Religion, & I am not more thoroughly convinced of any of its Truths than I am that 'tis all essential to their general diffusion, that Religion should not approach even the middle-aged & the old—still less the young—armed with any disqualifications, anathemas & interdictions, other than those most explicitly declared in the Scriptures themselves. . . .

"I am thoroughly persuaded that nine-tenths of the Religious wars & controversies which have distracted the World, have originated, first in mistaking our own, or other people's, mere

Inferences, for plain Scriptural Doctrine, & then trying to force them upon mankind. The truths necessary to present & future happiness have been rendered by the goodness of God too plain to be mistaken by the weakest understanding; but when once we attempt to go beyond them, the wisest among us can never tell where to stop.

"You will pardon, I know, all this preaching, in consideration of my motive. I have gone on, however, much farther than I at first designed; nor do I know the reason, unless it is that having so long written none but letters of business, I find it hard to stop now that I have at last got upon other subjects."

This letter of Garnett's is a masterpiece. Garnett knew and loved Key (although he was doubtless lucky in never serving as publisher of a paper of which Key would have been editor). He considered Key "one of the best men of God's creation"; nevertheless, he did not for a moment admire this misguided crusade against simple pleasures, this mistaken effort to make the church as legalistic as the law.

This letter, indeed, while it in no way reflects upon Key's honesty or sincerity, suggests a reason why he is not remembered as vividly (as a personality) as many of the lesser, lusty, gusty, whisky-drinking lawyers of his time. His memory has unfortunately been preserved in church annals rather than in the history of law and literature. There is no more certain obscurity than that of a prominent layman.

Had Key been a rector, a bishop, or even the editor of the *Christian Observer*, his religious zeal would have been more understandable to his contemporaries. He had been thwarted in his belated dream of becoming a clergyman, and in his attempt at good works "he overshot the mark."

As president of the Lancaster school and as a generous supporter of the American Bible Society he was a powerful pleader for the education of the poor. The Bible Society, an offshoot of the similar organization in England which was to cast George Borrow among the Gypsies with the Word, grew rapidly. One of its early presidents was the Honorable John Jay. Among its most ardent sponsors were President Jeremiah Day of Yale and the Reverend William Meade. Many humanitarian causes were advanced by these religious men.

The Colonization Society too was almost religious in its development. At one time it was widely supported by the Methodist church. The New England Abolitionists, with a fanaticism more specialized than Key's desultory campaigns against minor dissipation, had been trained for the most part by the early temperance societies. They soon succeeded in dividing the Methodist church into two bitter factions and their example eventually frightened many churches from attempts at meddling with political reform. It was that sort of Puritanical intolerance that Garnett dreaded to see in his friend Key.

We cannot discover that Randolph, warmly as he agreed with Garnett, ever attempted specifically to correct Key's errors in the direction of evangelical zeal. Instead, suffering from solitude, illness, irritability, and doubt, sad John Randolph welcomed Key's letters, no matter how righteous. In a vicious society Key seemed calm and comfortable. Randolph was completely mystified by his faith.

#### RANDOLPH'S CONVERSION

Key and Meade often pleaded with Randolph to return to the fold of the Episcopal church. Randolph contended in scornful accents that although he had been born an Anglican he was

now a Mohammedan. Key's blind faith was impossible to his doubt-plagued mind. Sometimes in the darkness of night, when he lay ill and thought he was dying, Randolph cried out, "Lord! Help thou mine unbelief!" He confessed to Key in the winter of 1818 that when he thought of the goodness and power of God he seemed in his own eyes a devil in all but strength. Knowing that this would fetch a religious epistle from Key, he forestalled a complete sermon by including considerable friendly chit-chat. In reply to Key's invitation that he spend weeks in Georgetown he wrote, "It would delight me very much to spend a few weeks with you. I would even try to be an usher in your school."

Key was teaching his own children. "At least," added Randolph, "I could teach the younger children to read. Give my love to them all and to their mother. I had a sister once, and I never think of her without being reminded of Mrs. Key."

This letter, which dwelt at great length on Randolph's savage solitude, touched Key's heart. At once he posted to Randolph the portrait which the artist Wood had painted of him. Randolph acknowledged it on April 29, 1818.

"Dear Frank—On my arrival here [Richmond] the day before yesterday, I found the picture and the picture frame which poor L. left for me.

"Wood has again failed, but not so entirely as at first. It is you in some of your humours, but neither your serious nor more cheerful face. It shall hang, however, near my bed, and I hope will prove a benefit as well as a pleasure to me. My love to Mrs. Key. I hope she has presented you with a better likeness of yourself than any painter can draw. If I could envy you,

I should covet one of your boys, and, perhaps, one of your girls too."

After informing Randolph of his son Philip Barton's birth, Key had commented on the merits of the *Christian Observer* and of *Manfred*. Then he had bemoaned the "stifling of my own poetic bantling." The remainder of Randolph's reply is peculiarly interesting.

"I have read 'Manfred,' and was overpowered by the intense misery of the writer. Unless he shall seek refuge above, where alone it is to be found, it is to be feared madness, perhaps suicide, is his portion. It created in me the strongest interest for the unhappy author, and I actually projected writing him a letter, such a one as could have displeased no man, and might, perhaps, have done good. The air of presumption which such a step might carry with it made me drop the 'notion.'

". . . I do not take, but shall order the *Christian Observer*. I have seen many of the numbers, and found them admirable.

"Fare thee well, and if for ever,  
Still for ever fare thee well.

"I regret the stifling of your poetic bantling. Can't you send me some of the *disjecta membra*? There is no need of a bottle of spirits of wine to preserve them in apothecary fashion."

It will be detected that Randolph was gradually shedding his bitterness toward the church and the Christian religion. He actually referred wistfully to "refuge above."

Key was naïvely delighted. These letters from Randolph were his chief pleasure. As he went his rounds from court room

to court room, from Lancaster school to church to Colonization committee meeting, to Frederick and back again to Georgetown, he was never too weary to write to Randolph. He humored Randolph when he was ill, encouraged him when he was well. Much as Randolph scoffed at evangelicals he never once accused Key, like others, of exuding "a dry clatter of morality instead of the word of God." And there were times when Randolph might have been almost justified in such a remark.

A man of the world, Randolph appreciated Key's virtue. Lonely, ill, and depressed, he would have done nothing to stop the current of correspondence from Georgetown. In September, 1818, when Randolph, after a long period of melancholia, suddenly reached a clear and satisfactory decision on his religion, he seized his pen and wrote at once to Key.

"Congratulate me, dear Frank—wish me joy you need not; give it you cannot—I am at last reconciled to my God, and have assurance of his pardon, through faith in Christ, against which the very gate of hell cannot prevail. Fear hath been driven out by perfect love. I *now know* that *you know* how I feel; and within a month, for the first time, I understand your feelings and character, and that of every real Christian. Love to Mrs. Key and your brood.

"I am not now afraid of being 'righteous overmuch,' or of 'Methodistical notions.'

"Thine, in Truth,

"J. R. of R.

"Let Meade know the glad tidings, and let him, if he has kept it, read and preserve my letter to him from Richmond years ago."

Randolph had got religion! Randolph who had mocked Key by saying, half in earnest, "Early in life I imbibed an absurd prejudice in favor of Mohammedanism and its votaries." Randolph, moved by Key's example, had at last qualified himself to partake of the sacrament of the Lord's Supper. Randolph, who loved Key and Meade and Hogue, yet despised preachers and churches, had at last been converted! He used the word himself—*conversion*—saying, "I use the word in its strictest sense."

Here, if ever, was an opportunity for Key to reach the peaks, to soar on the wings of inspiration, to convey to Randolph the warmth and dignity of religious experience that can lift man beyond ecstasy into the usefulness of a Wilberforce or a Hannah More, if necessary risking the epithet of "whining Methody" for his ideals.

Instead Key wrote a pathetic note as pedestrian as the mumbled phrases of a layman on a church visit—an anticlimax.

"I do, indeed, my dear friend, rejoice with you—I have long wished, and often believed with confidence, that you would experience what God has blessed you with. I need not tell you (if I could) of its value, for I trust you feel it to be 'unspeakable.' May the grace that has brought you from 'darkness to light,' from 'death to life,' keep you forever!"

This, with an admonition to "let your light shine brightly," would have been splendid for a simple convert. But when Randolph wrote to Key it was as if Voltaire had joined the Lutheran church. Platitudes, no matter how sincere, were an empty reply.

With his nose buried in the Bible and "Pilgrim's Progress," which he had formerly despised, Randolph did not notice Key's ineffectual rhetoric. But we cannot ignore it, for it reveals not only the simplicity of Key's belief but the natural and deplorable pitfall of the orator—trite phrases!

In the following year, when the depression following the Napoleonic Wars closed a bank in which Randolph was a depositor, forcing him to borrow money to feed his 300 slaves, Key was more practical. He confessed his amazement that religion had added patience and taken hysterical rancor from Randolph's character. When Randolph decided to run again for Congress he came upon Key's old letter which he had labeled "Party Spirit," and writing from Richmond, where he had gone to withdraw funds from another bank before it closed, he said that he now saw "in its full deformity the wickedness of Party Spirit, of which I was so long a votary." He looked forward to a return to Congress "with no other pleasant anticipation but that of seeing Key."

Without mentioning the debts and distress of the time, although the depression was the theme of every conversation and the city of Washington was a nightmare of foreclosed mortgages and slaves sold to meet obligations, Key said in his reply:

"You know my opinion about public life—that a man has no more right to decline it than to seek it. I do not know, perhaps, all its dangers, but I have no doubt they are great. But whatever they be, the grace of God is sufficient for them.

"You have no idea what an interest is excited in your behalf among religious persons. I believe that many a fervent prayer is offered up for you by people who never saw your face."

It was indeed a tribute to religion that Randolph, beset as Job, ill and drought-stricken on his plantation, did not complain. He wrote in August that Key was "bearing the heat and burthen of the day, while I languish in inglorious indolence." In Virginia, once wealthy planters were committing suicide as their debts mounted and the drought burned the crops planted for their household and slave provisions.

Wrote Key, the optimist, "Heaviness may endure for a night, but joy cometh in the morning." He read the poems of a Miss Taylor, that were reviewed in the *Christian Observer*, and recommended them to Randolph, adding, "In seasons of despondency, great relief has been afforded to my mind by the Psalms."

Ordinarily such a suggestion to Randolph, who had said that the Psalms were his pet aversion, would have annoyed the pessimistic Virginian. But now he meekly reported to Key that "As you say, many passages seem written right at me!"

In this period after his conversion Randolph wrote to Key like a schoolboy. He said he hoped no flimsy congressman or diplomatic adventurer had married Philip Barton Key's daughter. "You see, Frank," he confessed, "I am, indeed, growing old, and like other dotards, delight in garrulity and gossip." In his forest he almost *conceited* himself a dryad.

And, when the aging dryad closed his log-cabin manor house, tucked his brandy bottles and Bible into the pockets of his greatcoat, and headed for Washington, Key awaited the sound of his voice, the sight of his strange countenance colored by the blood of Powhatan, as anxiously as he had awaited the sight of that banner over Fort McHenry in 1814. Undoubtedly Mrs. Key herself gave an extra touch to the polishing of the silver, admonished the children to be polite to their droll uncle-

like friend who was speeding to Georgetown; and Key, sorting over his clippings from the religious and literary reviews, kept an ear tuned on the knocker at the door, not knowing what hour of the day or night Randolph's black man would knock, bow, and scurry off as Randolph himself appeared, booted and spurred and carrying a crop, his dog at his heels, to announce that he was still a Christian.

No matter what sort of madman, eccentric, or statesman the rest of Georgetown reckoned Randolph, to Key he was a great man. That he had renounced the devil—and Allah—was a miracle that now raised him to the rank of the angels.

Yet we cannot help suspecting that unwittingly Key craved not only the sight of Randolph saved but the entertaining and exciting prospect of renewing his conversations with the man who, if he were expected with a Koran in one hand and Voltaire in the other, would nevertheless elevate Key's mind and stimulate his intellect more than any other man in the world.

Perhaps Key sensed that Randolph's departure had contributed to his own humdrum, routine mental dullness; that Randolph's return would excite his mind as well as his spirit. Religion was a new bond between them, but greater still was the complementary nature of their characters.

Unhappily for the biographer their correspondence lapsed when they saw each other regularly, and we only know that immediately upon his arrival Randolph stopped in Georgetown for dinner.

## CHAPTER XII

### DEMOCRAT

### JACKSONIAN

IN 1819, when he invited Randolph to dinner and for the first time saw the light of conversion—mighty like a halo—over Randolph's countenance, Key was forty. He was then, as we have recounted in previous chapters, an active Colonizer and a busy churchman. A prominent lawyer and one of the best-known permanent residents of the growing Washington community, his authorship of "The Star-spangled Banner" was applauded at public dinners which he attended. Autograph seekers thrust their albums into his hand. Orators, referring to him by name in the halls of Congress, quoted "the land of the free and the home of the brave." To his hospitable home in Georgetown came congressmen, judges and cabinet members, clergymen and physicians. Mrs. Key, called Polly only by her husband, sometimes crowded the children—eight already—into cramped sleeping quarters so that Key's guests might linger for the night. There were no bedrooms to spare but genuine hospitality makes light of such matters.

It must not be forgotten that the city of Washington (before the Civil War made it the resort of politicians and speculators seeking easy fame and profits) was a poor, ugly, unhealthy town.

During Key's lifetime there was scarcely a year when the

population increased by more than six hundred. The residences, except for a few ambitious mansions, none of which equaled Woodley, were cheap and unsightly. The inns were abominable, the barrooms disgraceful. The public buildings, perennially incomplete, overlooking dusty—sometimes muddy—roads, by no means represented the dreams of L'Enfant and Dr. Thornton. The commerce of the town, which George Washington had believed would rival that of any seaport of the country, did not equal that of Alexandria. Only a few epicures owned ice houses, and Key was no epicure. His cooling room in the basement of his house did not boast one of the newfangled refrigerators which a local preacher had invented for the transportation of butter to Thomas Jefferson.

The president's mansion, of brown stone, was not yet coated with white nor was it known as the White House. It still bore the marks of Cockburn's incendiary invasion.

The local courts, less important than those of most Maryland county seats, offered few rewards to the ambitious lawyer. The Supreme Court, however, although it still sat in the cellar of the Capitol, was under John Marshall emerging as a branch of government as powerful as president and Congress combined. The admission of new states, the growth of corporations, the acceptance of widely useful inventions, the development of turnpikes and canals, brought varied legal questions into that dingy old basement court room in the Capitol. Constitutional interpretation began to tax the ingenuity of judges and barristers. It became the fashion for society women and dandies of the town to forego their dinner or tea in order to hear the momentous debates before the Supreme Court. A picturesque or eloquent lawyer drew as smart a gallery as a picturesque congressman or senator. Francis Scott Key, who stood erect, with-

out book or paper in hand, while he pleaded for human as well as legal rights, enjoyed a following that William Pinkney, gloved and fragrant, might have envied.

Trained in the idealistic generation born during the Revolution, Key seldom appeared in the more modern cases involving inventions and corporations. A Southerner, he had not kept abreast of the times so skillfully as Daniel Webster of New England. He had remained a sentimental humanitarian pleader. He served as Dr. Thornton's lawyer, yet he did not represent the patent office. He drew up few corporation charters, assisted in the organization of no wildcat canal and steamboat lines. His name does not appear in the early railroad history of the country. He willingly performed the simple though significant details of land-transfer cases, or he appeared before the land office and the claims departments of the government. He freely donated his services to the town of Georgetown. For the most part he represented causes and individuals beyond criticism. Hence his familiarity with judges, particularly those of the Supreme Court, was beyond suspicion. He had no vast corporation axes to grind. The Colonization Society, whose constitution had been written with his guidance, was the only organization for which he lobbied.

In provincial Washington, when Congress was not in session, the number of upper-class citizens was so limited that the society of the town was almost all-inclusive. Cliques had hardly begun to form. Members of the cabinet ate and drank freely with army officers, lawyers, judges and doctors. Even during Supreme Court cases it was not unusual for opposing attorneys to dine with members of the supreme bench. Bushrod Washington, while a member of the Supreme Court before which Key regularly appeared, often visited Key in his home—and

Key rode to Mt. Vernon to visit the judge. As a leading member of the Colonization Society Justice Washington admired Key's friends, the Reverends Meade and Finley.

Mr. Chief Justice Marshall and John Randolph sometimes rode out to Key's house together. After the death of Philip Barton Key in 1815, Key, as a favorite nephew, held the confidence of the older generation of celebrities who had wined and dined in the great Woodley mansion. Key's piety did not frighten off the worldly legislators who sometimes brought their race horses with them to Washington, who tied them outside barrooms on the way to Georgetown.

In fact many men, in their desire to escape from the dullness of Washington, openly sought as many invitations to Georgetown as they could manage. Randolph usually lodged in Georgetown. He loved the town because it was beautiful, civilized, established—and within walking distance of the Key teapot.

As the proprietor of a substantial brick house with a garden, conservatory, and coach house, Key was the envy of many a lawmaker who knew not whether he would be returned in the next election—and, if not, where his next client in his home district would come from. Naturally, a great many defeated legislators began to settle in Georgetown and Washington. They added to the keenness of legal competition. Many men, like Daniel Webster, while in Congress garnered as much Supreme Court practice as they could. As this contentious population of lawyers grew, acrimony increased. Duels were discussed and often fought. At Bladensburg, on the old dueling ground where Key's son Daniel later died at the hands of a challenging midshipman, Commodore Decatur—evidently finding the dueling atmosphere infectious—was fatally

wounded in a duel in 1820. He was a friend of Key and of Randolph. The behavior of Randolph at Decatur's funeral was most extravagant. Key, who abominated dueling, did not even attend Randolph's duel with Henry Clay in 1826, but he rejoiced that it ended in a harmless farce.

Not only did Key refrain from censuring his friends who drank, gambled, dueled, and danced—he sought their society. Dr. Thornton, whose bay filly, the Duchess of Marlborough, was the apple of his eye, often exchanged bucolic verses with Key. Thornton and Randolph would jog home from the race track to call on Key in the cool of the evening. They would talk for hours of poetry and horseflesh.

Though he realized he was not a great poet Key still wooed his wistful muse. His idle, mildly facetious rhymes amused him and pleased his companions.

We must conjecture that he was present on January 17, 1820, when Dr. Thornton presented Randolph with some verse, long ago lost, which Randolph acknowledged with a formal receipt. This amusing item is in the Thornton papers in the Library of Congress:

"Jan. 17, 1820.

"Received this 17th day of January 1820, of Dr. William Thornton two m.s. pages of current Rhyme for which I bind myself to make payment in good and lawful prose at a rate of exchange to be settled (in case of disagreement between the parties) by referee to be by them chosen.

his

"JOHN      RANDOLPH OF ROANOKE  
mark

"witness

"C. F. MERCER."

This document, playfully couched in legal terms, sounds as if it were suggested by Key. He was an intimate of all three whose names appear. He enjoyed toying with legal jargon. One of his whimsical attempts is the following:

## PETITION FOR A HABEAS CORPUS

To the Honorable James Sewall Morsell, one  
Of the Judges of the county of Washington:  
May it please your honor to hear the petition  
Of a poor old mare in a miserable condition,  
Who has come this cold night to beg that your honor  
Will consider her case and take pity upon her.  
Her master has turned her out in the street,  
And the stones are too hard to lie down on, or eat;  
Entertainment for horses she sees everywhere,  
But, alas! there is none, as it seems, for a mare.  
She has wandered about, cold, hungry, and weary  
And can't even get in the Penitentiary,  
For the watchmen all swear it is more than they dare,  
Or Mr. Edes either, to put the mayor there.  
So she went to a lawyer to know what to do,  
And was told she must come and lay her case before you,  
That you an injunction or ha. cor. would grant;  
And if that means hay and corn, it is just what I want.  
Your petitioner, therefore, prays that your honor will not  
fail  
To send her to a stable and her master to jail;  
And such other relief to grant as your honor may think meet,  
Such as chopped straw or oats, for an old mare to eat.  
With a trough full of these and a rack full of hay,  
Your petitioner will ever, as in duty bound, pray.

Key did not save these scraps of paper. The recipients treasured them because he had written "The Star-spangled Banner." He never intended that these idle, bantering rhymes should see print. But his verses were gathered indiscriminately into a little volume after his death, and included even such an off-hand specimen as his note of thanks to his cousin Mary for mending his tobacco pouch, which begins:

My conscience has given me several twitches  
For not having thanked my fair coz. for her stitches;  
The pouch that contains the best part of my riches  
She has made safe and sound by her excellent stitches;  
And whenever I take it from waistcoat or breeches,  
I enjoy my quid and admire the stitches.  
She has sent me a note all in rhyme also, which is  
Still more to be praised than these praise-worthy stitches.

After a series of stitches, ditches, pitches, etc., rhymes, the doggerel submits several endings, finally reaching a conclusion with:

Then let me view my stores, and all the while  
Look on the stitches, thinking on thy smile—  
But ah! those smiles in distance far are hid,  
But here the stitches are—and I will take a quid.

So we know that Key "took a quid." Tobacco chewing was, a century ago, a more acceptable habit than it is today. Perhaps Key even indulged in a quid while on holiday at White Sulphur Springs, where, in the early days of that resort's prestige, the accommodations were evidently primitive. In describing the place to a friend he employed hasty rhyme, which is

here quoted not to shame him as a poet but to picture the effect of the spa upon him.

WRITTEN AT THE WHITE SULPHUR SPRINGS

A word of advice about matters and things  
May be useful to people who come to these springs:  
First, there's a bell in the morning that rings  
To awaken the people who come to the springs,  
And the folks fix their ribbons and tie up their strings,  
And look very beautiful here at the springs.

There's an insect or two, called a flea, that here stings  
The skins of the people who stay at the springs;  
There's a broom and a half here, for nobody brings  
Such implements here, to sweep out the springs;  
There's a maid and a half, too, for one of them swings  
Rather much to one side; for she's lame at the springs.

There's a bawling all day—but the ball at night clings  
The most to my fancy of all at the springs—  
To conclude, though some things here might do e'en for kings,  
If you wish to fare well, say farewell to the springs.

The sense of humor which this sort of rhyme betrays is naïve, whimsical, almost childish, and we must look to Key's children for an explanation of his perennially juvenile jocosity. Amid the hopes and fears, the menaces and catastrophes of mankind, Key lived and worked for the most part at home, less than ten paces away from the drawing rooms which for almost twenty-five years served from dawn till dark as a nursery. Literally, he was never without children. Many men would have escaped infant prattle by establishing an office far away; Key throve

on it. At times his countenance was made reflective by the bills and invoices, and on several occasions he had to renew notes for as much as a thousand dollars at the banks, but he seldom exhibited petulance and never surliness in his own home.

With the patience of a teacher he rehearsed all his youngsters in the classics of antiquity and of England, encouraged a nice taste in literature, couched his moral lectures in jingles. Although he set a devout example he was indulgent—perhaps too indulgent, for of his eleven children two turned out badly. Hot-headed Daniel was killed in a duel, and philandering Barton was shot to death by General Sickles (of Civil War fame) when Sickles discovered his attentions to Mrs. Sickles in 1859, one of the most sensational murders in the history of Washington, for at that time by a curious coincidence Barton was district attorney of the District of Columbia, a position which he had vaguely “inherited” from Key, who himself was district attorney under Jackson.

Because the eleven children were born over a period of twenty-five years it has been impossible to record each birth in the course of this chronological narrative without digressing from some phase of Key’s career. The list itself makes this clear.

Elizabeth Phoebe had been born in 1803, Maria Lloyd in 1805, Francis Scott, Jr., in 1806, John Ross in 1809, Ann Arnold in 1811, and Daniel in 1813. It was upon Daniel’s birth that Key took Randolph’s fowling piece and went out to shoot a bird for Mrs. Key, “feeling that she deserved that bit of courtesy.”

Two years after the war, in 1816, Edward Lloyd (who was drowned in the river back of the house while a mere lad) was born. And in 1818 Philip Barton, most brilliant of the sons,

was born. It was he whom Randolph hoped was a better likeness of his father than Wood's portrait; it was he who turned out to be most unlike his mild and domestic father.

Ellen Lloyd was born in 1821, Mary Alicia Lloyd Nevins (the favorite niece of Roger Brooke Taney) in 1823. The last son, Charles Henry, born in 1827, had not yet reached his sixteenth birthday when Key died in 1843.

With a family of such magnitude Mrs. Key perforce spent a large part of her life bearing and rearing children. Yet she never lost her dignity, her distinction, her air of patrician beauty. She was entirely relieved of worry about accounts, for Key did all the subtracting and adding. There were plenty of servants to manage the household details, to attend to the children, to drive the carriage and convey messages, and it required no sacrifice for Mrs. Key to entertain a constant procession of guests. Her chief hardship came of a Sunday, when Key, an impatiently prompt churchgoer, organized the departure for worship.

Strict as he was on Sunday, however, Key allowed his children many privileges—long holidays with friends, guests to share their already crowded bedrooms, books, music lessons, magazines; and after the death of John Ross Key in 1821 he furnished them with horses, pets, sleighs, and carts at Terra Rubra.

The death of Key's father, though not his first great bereavement, cast Key into deep dejection. Gone forever was a perfect father, a perfect gentleman, who had managed his life well, performing his patriotic duties in his youth, his civic and religious duties throughout his life. Generous to friends, family, and enemies, he had been a lovable squire, had sold off much of his acreage in order to maintain a hospitable house.

The year before, when he had been ill, Key had galloped all the way from Georgetown to comfort him. At that time Randolph, who occasionally had visited at Terra Rubra, had written to a friend, "Frank has just returned from Frederick, where he was summoned a fortnight to attend a (supposedly) dying father. The old gentleman is recovering slowly. What must it have been to have a bedside attended by such a son!"

After the death of his father Key was confronted with long-distance management of the plantation. He could find no buyer for the property, and so long as the family owned it his mother preferred to remain there. Roger Brooke Taney, at Frederick, already was planning to move to Baltimore (which he did two years later) and Key feared that with Mrs. Taney fifty miles away instead of twenty his mother would suffer intolerable loneliness. But no buyer being found, Mrs. John Ross Key remained at Terra Rubra until her death in 1830; but Key, after his father's death, visited Terra Rubra more frequently. The roads were improving; his journeys to Pennsylvania and western Virginia on behalf of the Colonization Society carried him in that direction.

Throughout the Adams administration (1825-1829) Key found the general government less sympathetic toward African colonization than it had been under Monroe. The Abolitionist movement had begun, and Southern Colonizers had lost their enthusiasm. In vain Key tried to hold Randolph's interest in colonization. On a visit to London in 1823 Randolph had been praised in public by Wilberforce for his fight against the slave trade. Randolph had attended the African Exposition in London, where he was accorded a great ovation. Besides, in 1821 Randolph had made a will freeing all his 300 slaves and providing land for their colonization in America, naming Key a

trustee of the will. Nevertheless, in 1826, Randolph wrote to his friend, Dr. Brockenbrough, of Richmond:

"I told him [Chief Justice Marshall] of my firm and positive refusal to present to the Senate the petition of the Colonization Society, although earnestly entreated to do so by F. Key. That I thought the tendency of it bad and mischievous; that a spirit of morbid sensibility, religious fanaticism, vanity, and the love of display, were the chief moving causes of that society.

"That true humanity to the slave was to make him do a fair day's work. . . . By that means, the master could afford to clothe and feed him well . . . while the morbid sentimentalist could not do this. His slave was unprovided with necessities, unless pilfered from his master's neighbors; because the owner could not furnish them out of the profits of the Negro's labor—there being none. . . .

"I wish all the free Negroes removed, with their own consent, out of the slave States especially; but that from the institution of the Passover, to the latest experience of man, it would be found that no two people could occupy the same territory, under one government, but in the relation of master and vassal.

"The Exodus of the Jews was effected by the visible and miraculous interposition of God; and that without the same miraculous assistance, the Colonization Society would not remove the tithe of the increase in the free blacks, while the proceedings and talks disturbed the rest of the slaves."

Inconsistent Randolph! He was for the removal of the free blacks, yet he disapproved of the Colonization Society. Why? The New Englanders had launched their Abolitionist campaign. The very mention of a change of the status of the Negro, by

Abolitionists who cared not whether the Union were wrecked, churches rent asunder, white Southerners slaughtered in their beds, or whether the freed slaves starved in their new-found freedom, now soured Randolph. But he did not change his will. His abiding friendship for Key did not cool. As he traveled abroad, finally as ambassador to Russia, he wrote Key fond letters and avoided mention of the Society.

Many states, alarmed by the presence of free but indigent blacks, were prohibiting the residence of freed slaves within their borders. Key fought against any such legislation in Maryland. He himself (as he said in the Crandall case already described in the chapter on the Colonization Society) on several occasions joined with his friends in buying back Negroes that had been sold into the South. He and Taney freed their slaves and let them remain in their employ. Key considered Negroes human beings; he never thought of them as human cattle. We need not content ourselves with quoting his speech in the *Antelope* case in which he called them *men*. We may regard his own man, old Uncle Clem, an extraordinarily able Negro whom Key appointed assistant manager of Terra Rubra.

Uncle Clem, when freed, remained in the employ of the Key family and relieved aging Mrs. John Ross Key of all the petty details of household management. He ran the kitchen like a martinet, was custodian of the recipes, superintendent of the kitchen garden, boss of the field hands. As an executive he was responsible only to Mr. Landis, chief farmer of the estate on Pipe Creek, and later to a farmer named Angell. Imitating his master, Clem often conducted the evening prayers in the Terra Rubra quarters. Key's mother looked forward to Key's visits to Terra Rubra no more eagerly than Uncle Clem did. And in the summer when the Taney's came up from Baltimore and the

Keys came up from Georgetown, trebling the chores of the household, Uncle Clem was never known to complain. He was very fond of Taney's man Madison.

Between law cases, Key now traveled much. His increasing reputation as an orator brought more invitations than he could possibly accept. He seldom refused to appear anywhere in Maryland. On Washington's birthday, 1827, he addressed the alumni of St. John's College at Annapolis. In the course of his speech he said, very aptly, for the benefit of some of the alumni who had for a generation rested on the laurels and wealth of their ancestors:

"There are and ever will be the poor and the rich, the men of labor and the men of leisure, and the state which neglects either neglects a duty, and neglects it at its peril; for whichever it neglects will be not only useless but mischievous.

". . . If it is improper to leave the man of labor uneducated . . . is it not at least equally so to leave the man of leisure, whose situation does not oblige him to labor, to rust in sloth or riot in dissipation?

"This neglect would be peculiarly unwise in a government like ours. Luxury is the vice most fatal to republics, and idleness and want of education in the rich promote it in its most disgusting forms. Nor let it be thought that we have no cause to guard against this evil. It is perhaps the most imminent of our perils."

Many a Maryland man of Key's generation had dissipated himself to death by 1827. Many another had wasted opportunities for self-improvement. The men of the West, robust and alert, were threatening the idlers of the South; the aggressive

traders and manufacturers of New England were amassing wealth too great for leisurely planters to compute. Times were changing. The old political parties were shifting. The old heroes were dying—still many men remained indifferent. The new turnpike on which Key traveled to Frederick was but one example of the rapid progress in communication. The country as it expanded was growing closer together.

In the next year, when President John Quincy Adams attended the beginning of the Chesapeake and Ohio Canal on the same day, July 4, that Charles Carroll of Carrollton, the last of the Signers, blessed the commencement of the Baltimore and Ohio Railroad, Andrew Jackson was running for president.

As early as 1824 Key had attended Jackson rallies in Frederick. Now he took to the stump. He accepted the challenge of party politics. For the first time he was wholeheartedly in favor of the Democratic party and all its leaders. Since the foundation of the republic, the presidents had all come from Virginia or Massachusetts. They had all been preoccupied with foreign policy except Jefferson, who as a side line to foreign policy had purchased Louisiana. Jackson, though no one knew exactly what he stood for except the rights of the common man, was against the Bank of the United States. He was plain, capable, heroic. He would lead the country into a new era. He would not, like John Quincy Adams, rule by "*wise and masterly inactivity*." Jackson would "turn the rascals out."

High excitement attended the campaign. Key, whose previous speeches in Frederick County had been made on patriotic anniversaries or religious occasions, now pleaded with his old friends and neighbors to consider Andrew Jackson. He admitted that Jackson was no scholar; he was no schoolmaster, but he had acquired wisdom by living. He was joined by Taney,

who since the War of 1812 had considered himself a Democrat.

On Jackson, Key and Randolph were reunited. They had drifted apart while Randolph was abroad, basking in fame, meeting Tom Moore, Washington Irving, and practically every celebrity on the Continent.

Key, who had shed his aversion to rowdy gatherings—perhaps at a dinner at which he is said to have taught Davy Crockett a few elements of table manners—attended Jackson barbecues in Frederick County. Cider and whisky passed freely. On the same day that Adams men of Frederick met for a barbecue at Bentz's pump the Jackson men gathered in Nixdorff's meadow. The Jackson men, apparently, needed no pump.

Entertaining the men of Monocacy and Pipe Creek valley at a Jackson barbecue on the edge of Terra Rubra plantation, while beeves sizzled over the coals, under the old oak tree which still stands on the school grounds of Keysville, Key spoke with eloquence. He had just donated the land to the community for school and religious purposes, he and his mother signing the deed. There was not a stranger in that audience. In the little log building on that plot of ground he had sung with Methodists and United Brethren. In it he taught one of the first colored Sunday schools in the United States. He was introduced to a crowd where an introduction was superfluous by his fellows in the union-church enterprise, George (Roll Jordan) Maring and John Snook, with whom he had traveled on religious matters. There in that devout neighborhood the Jackson meeting lacked the gusto which the campaign exhibited in the southern end of the county.

"The Star-spangled Banner" was sung before and after the meal was served. Old men who had not seen Key since he lay

in his cradle came down from the Blue Ridge Mountains to shake his hand. One man prevailed on him to represent him in the local magistrate's court. Key agreed to do so, and said he would appear at eleven o'clock.

When the case was called one minute before eleven several days later, the court asked who was representing the client.

"Frankie Key," said the client.

"He is not present," said the court.

"He'll be here at eleven," said the client. It is said that as the clock struck eleven Key walked in the door.

He was not always well prepared for the case he had to try (he disliked long periods of research), but he was always prompt. His health, too, was dependable. He was never compelled to ask for postponements on account of illness. He was almost too vital. His step, when he was long past fifty, says one observer, "was light, quick and elastic, so that his more rapid walking was like flying." This nervous energy was as manifest in the redlands magistrate's court as in the Supreme Court in Washington.

When Jackson was elected, Key, who knew the general well, could have had any appointment within reason. He had been a conspicuous campaigner. He apparently went up to Frederick in the winter of 1829 and accompanied the president-elect down the familiar old highway to Washington. He was present at the inaugural, the greatest and wildest crowd Washington had ever seen, and beholding the Democratic mob in the streets, said, "It is beautiful! It is sublime!"

At the inaugural banquet, which was a riotous affair, he gave no evidence that he was offended by the whisky and shouting in the president's mansion.

Intimately as he knew Jackson—and Key became as much of

an insider as any member of the kitchen cabinet—he asked the president only one favor—a cabinet appointment for Roger Brooke Taney.

Taney, after removing to Baltimore, where he was Charles Carroll of Carrollton's personal lawyer, had been unanimously recommended by the bar of that city for attorney-general of Maryland, an appointment which did not at that time proscribe private practice. He resisted Key's urgent arguments that he seek federal office by saying that he wished to accumulate a competent fortune before he strove for fame. But fame overtook him. The rapid growth of Baltimore as the metropolis of Maryland elevated its leading lawyers into the national limelight. Inevitably they were concerned with major litigation; Taney's thin, haughty face was soon as familiar in Washington as it had been in Frederick. Taney was a practical man. He had served on bank boards in Frederick. He saw in Baltimore an enormous opportunity. Baltimore had lost some of her maritime prestige when steamboats had begun to carry goods upstream on the Mississippi, Ohio, and Missouri to the West; no longer was the highway over the Cumberland Mountains a natural trail to Baltimore. But with the promotion of the Baltimore and Ohio Railroad and of the Chesapeake and Ohio Canal Baltimore would again become the seaport for the West. Bridge builders, wheelwrights, flour millers, and manufacturers generally were prospering in Baltimore. Taney, who had gone to Frederick during that town's greatest boom, now was the leading lawyer in Baltimore and in Maryland at the time of the city's greatest expansion.

Key's daughter Elizabeth Phoebe had married Charles Howard of Baltimore. His sister, Mrs. Taney, now lived in Baltimore. His wife's sister, Mrs. Nicholson, was a Baltimo-

rean. As his acquaintance grew in that growing city, where he was considered a local hero, he handled many legal matters for merchants and manufacturers.

For years he had seen more of Randolph and of Meade than of Taney; now he again was a frequent guest in the Taney household. His sister, who seemed extraordinarily vivacious by contrast with reticent Taney, kept a spare room for his use and contrived all sorts of excuses for the extension of his visits. Sometimes Key's mother, her health failing rapidly, spent the winter months with the Taney's. In the summer the Keys and Taney's continued their reunions at Terra Rubra. In 1830 when Mrs. John Ross Key died, Key and his sister, though middle-aged, considered themselves orphans. They had always in the presence of their mother thought of themselves as children.

Until 1831 Key evidently did not suggest that a cabinet position might be available for Taney, for when Taney was practically offered an appointment he was unprepared if not surprised. In June of that year it was whispered in Washington that Attorney-general Berrien had been asked to resign. The Jackson cabinet, often disregarded while the general consulted his so-called kitchen cabinet of intimates, was usually in a state of flux. No one knew who would be asked to take Berrien's place.

Berrien himself asked Key who was to be his successor, which indicates to what extent Key enjoyed General Jackson's confidence. Key stalled by saying, "Buchanan is more apt to be named than any other." He added that Taney's name had been mentioned but that he did not think it would be offered to him.

"Would Taney take the office?" asked Berrien.

"He would," Key said frankly, "if he saw a prospect of things going well."

About the middle of June Key, in conversation with Ed Livingston, admitted that he had been discussing the attorney-generalship with some of Jackson's friends, but said that Taney, whom he had just seen, seemed to think that Berrien should be retained. Upon hearing again that Taney was under consideration, Key replied, "I am aware of it." As well he might be; he had actively urged Taney's appointment and had pleaded with Taney to accept. He still honestly insisted that Taney preferred that Berrien be continued.

On the night of that conversation, when Key reached his home in Georgetown he found a note from Andrew Jackson asking him to call at the President's House at once. It was after nine o'clock, but he went immediately to Jackson. Without preliminary ado the president told Key that he intended to name Taney. But he must know of a certainty that Taney would find the idea acceptable.

Again Key said that Taney honestly desired that Berrien remain.

"That is entirely out of the question!" said the general, somewhat exasperated by Key's uncertainty at this stage of the delicate political maneuver. Key did not wish to make a promise he could not fulfill, particularly a promise in regard to his brother-in-law, a man of strong and sometimes stubborn will.

So Key agreed to write to Taney at once. In his letter which he penned that night he quoted the president as saying, "That he would feel gratified to have you in his counsels, that your doctrine upon the leading constitutional questions he knew to be sound and your standing in Supreme Court he well knew."

Convinced that Taney should accept, Key continued:

"I believe it is one of those instances in which the General has acted from his own impulses and that you will find your-

self, both as to him and the cabinet, acting with men who know and value you and with whom you will have the influence you ought to have and which you can do something efficient with. As to your business, you can be as much in Baltimore as you would find necessary, or desirable, with the understanding that you are to come over whenever wanted. This would be only on ordinary occasions and applications for opinions from the departments. They could send you the papers to Baltimore and you could reply from there. As to the Supreme Court, it would of course, suit you entirely and the increase in your business there would make up well for lesser matters."

It will be observed that Key, naïvely indiscreet, made the appointment sound attractive and tempting. Taney accepted. This activity on Key's part paved the way for Taney which led in a few stormy years to the chief justiceship—which led, eventually, to the Dred Scott decision, the unconstitutionality of the Missouri Compromise, and the Civil War.

Upon learning that Taney had accepted Jackson asked Key to inform Taney that he was much gratified. Said Jackson, "You may tell him that the attorney-generalship need not interfere with his affairs in Baltimore, and he will not need to change his residence if he doesn't wish to."

In forwarding this message to Taney Key added a postscript:

"There is a son of Caldwell's who is Berrien's clerk—you must continue him."

Key's activity on behalf of Taney involved an appeal to a president that, compared with his request to Madison for permission to go down the bay for Dr. Beanes, was decidedly

personal and apparently selfish. He wanted his brother-in-law to get the job. He used his influence. He was successful. It was a democratic method by no means peculiar to the Jackson era.

On the Fourth of July, after that June in which Taney's appointment was settled upon, Key was the principal speaker at the ceremonies in the rotunda of the Capitol. He pleaded for peace. Approving the state of the country under General Jackson, he said:

"We are in a state of unexampled national prosperity, and to nations as to individuals, great are the hazards and responsibilities of such a state. Times of difficulty and danger give men their virtues, and prove and exalt them. We become listless and luxurious in times of ease and security. Men who inherit an estate generally prize it and enjoy it less than the ancestor who earned it; and we who inherit freedom may learn to value it less than the men who won it."

He went on to say that "there are signs in the times in which we live, which indicate the dawning of that day of brightness and among them, none more dearly than the present 'moving of the nations' and the advancing cause of freedom, for

" 'This tempestuous state of human things  
Is only as the working of the sea  
Before a calm that rocks itself to rest.' "

"However distant that day may be, it cannot come till the power of the oppressor has fallen and man has regained his rights. Men cannot be brethren till they are equal. Nations will learn war as long as they are subjected to the sway of arbi-

trary and capricious rulers, having interests and passions of their own, and no common feeling with the great body of the people. . . .

"When nations become free, and equal rights are secured to all the people, they will wage no war of passion or for conquest.

". . . The free citizen of a happy country can have no inducements to a war of aggression upon others.

"He rests in the shade of his own trees, or in the circle that surrounds his own hearth, and in such scenes the heart of man grows warm with love toward his brethren. Is it not a glorious privilege to be permitted to labor in such a cause and for such a consummation?

". . . And as the world advances to this sure period of its destined blessedness, as people after people put forth their strength and join the holy family of nations that love us as brethren and 'learn war no more' shall not this our land, and this our day, be freshly remembered? And that which is now celebrated as the birthday of freedom to a nation be honored as the birthday of freedom to the world?"

Not blind to the sectional conflicts within his country, his words in this speech, on the subject of states' rights, are prophetic. The danger of "dissolution of the Union" passed away with the Civil War; but the "danger" of an all-powerful federal government only began with the Civil War. Hewing close to President Jackson's own opinions, as expressed during the subsequent South Carolina nullification episode, Key said:

"From the nature of institutions thus organized (as our government) it follows, of necessity, that they must in some measure be exposed to two opposite dangers.

"The one is, that as the tendency of power is ever encroaching, the General Government may become a vast, consolidated dominion, with immense resources and unlimited patronage, dangerous to the power of the states, and the rights of the people. The other is, that the States will gradually weaken the powers of the General Government and dissolve the Union.

"It is not easy to see how these dangers could have been removed, or more effectually guarded against. It must be left (as it is) to the good sense of the people to exercise their vigilance towards both. Experience will determine (if it has not already done so) which is the most to be apprehended, and how the tendencies of each are to be checked. . . . We must become a very different people from those who devised this constitution, if, with the remedy in our hands, and the dangers foreseen, they are permitted to come upon us."

In two years, on his Alabama mission, he was to put that speech into action.

In the meantime he practiced law, frequently visited General Jackson, spent the summer at Terra Rubra with his family and the Taney's, and in short led a comparatively uneventful existence. His law cases at this time, though numerous, were of no great significance.

President Jackson named Key district attorney of the District of Columbia in 1833. It was not altogether an appointment to his taste, for he did not enjoy the rôle of prosecutor. He had often assisted the district attorney, also the attorney-general of the United States, in prosecutions; but in this position he was compelled to prosecute every case in the District—a sorry task for an unvindictive man.

He was at the time grieving the loss of his friend Randolph, who had died in Philadelphia. A few days before he died Ran-

dolph had seen Key when he passed through Washington on his last erratic, hasty journey, on the way to leave his bones in England. But Randolph got only as far as Philadelphia, where, among strangers, attended only by his body servants, he lay down in bed, read his will, disputed points of grammar with his doctor, put on his hat, and, crying again and again, "Remorse," died as picturesquely as he had lived. His will, freeing his slaves and providing for their maintenance, so thrilled young John Greenleaf Whittier, then an Abolitionist, that he wrote his poem "Randolph of Roanoke," which for some reason was not published till 1847.

This poem of Whittier's is so little known—as is, indeed, the extraordinary Randolph himself—that we quote several stanzas:

All parties feared him; each in turn  
Beheld its schemes disjointed,  
As right or left his fatal glance  
And spectral finger pointed.  
Sworn foe of Cant, he smote it down  
With trenchant wit unsparing,  
And, mocking, rent with ruthless hand  
The robe Pretence was wearing.

Too honest or too proud to feign  
A love he never cherished,  
Beyond Virginia's border line  
His patriotism perished.  
While others hailed in distant skies  
Our eagle's dusky pinion,  
He only saw the mountain bird  
Stoop o'er his Old Dominion.

He held his slaves; yet kept the while  
His reverence for the Human;  
In the dark vassals of his will  
He saw but Man and Woman.  
No hunter of God's outraged poor  
His Roanoke valley entered;  
No trader in the souls of men  
Across his threshold entered.

With tears streaming down his cheeks, Key could not have seen the paper or the inkwell had he wished to write a poem of Randolph. He had lost his greatest friend. Never again would he receive those inimitable letters from Roanoke, from Russia, France, England, or from Gadsby's Hotel—those bright and bitter epigrams, those affectionate phrases from the inspired misanthrope, those criticisms of law and literature. Never again would disillusioned Randolph, dulling his pain-wracked body with liquor and opium, weep when Key presented him with a glass of Mrs. Key's jelly. Never again would Randolph, sitting ill and alone on Christmas eve in Washington, hear Key's boots sloshing through the mud to his door. Never again would that proud Randolph head bow in prayer at Key's family table.

Key and William Meade knew the gay, laughing Randolph, and they knew the dour gnome. They knew the Solomon as well as the Ezekiel. They never ceased marveling at Randolph's versatility. Grief-stricken and lonely, in the autumn Key welcomed a trip to Alabama to arbitrate the Creek land controversy, which was threatening a nullification uproar as embarrassing to the government as the similar disregard of federal law had been in South Carolina. Instead of going to

Alabama by way of the Ohio and Mississippi, Key journeyed down the seaboard, through the Carolinas, to glean a foretaste of his problem.

### THE ALABAMA MISSION

Traveling southward through the Virginia valleys (where Randolph had often sped in a private coach-and-four, with whisky bottles clanking in his pockets) Key thought of the late great Virginian, his friend, whom historians were to admire and despise but whom no poet or dramatist has ever rightly pictured—the “caricature of all Virginians,” the Quixote of the South, the exaggeration of all the foibles and sweetness and deviltry of a landed gentleman.

We can be certain that Key, facing a difficult problem in Alabama, displayed none of the irritating, individualistic traits of a Randolph or of a General Jackson as he entered the “touchy” deep South. Key represented the best virtues of a tolerant Marylander, of a middle-state man. Even the virulently antiadministration *United States Telegraph*, commenting on Key’s qualifications, said:

“Mr. Key is a gentleman of fine address, conciliating manners, and admirably suited to negotiate the president out of his difficulties. But he is ultra federal in his opinions—he holds (for such was his argument in the case of the U. S. vs. Blair) that the State is subordinate to the authority of the federal government, as the counties are to the authority of the States.”

The Alabama mission required the utmost delicacy. General Jackson still smarted from the criticism which had followed his threats to send troops, if necessary, into South Carolina to put

a stop to nullification doctrines and activities. Now, in Alabama, a new emergency had threatened to develop into nullification.

Key was bound to pull the president's chestnuts out of the fire. Rioting in Alabama already threatened to blossom into civil war.

As he passed by stagecoach over the mountains into Alabama, Key had little time to read the new Cooper novel, or to scan Audubon's "Birds of America," or even to wince at the slave dealers' advertisements—Cash for Negroes. His pockets and portfolio were stuffed with state papers which he had received from the president and from Secretary of War Lewis Cass. Moreover, he was in too great haste even to feel the pulse of the South on the activities of Roger Brooke Taney. Taney, just appointed secretary of the treasury, had immediately withdrawn federal funds from the Bank of the United States, precipitating bank failures and bankruptcies.

Throughout the journey Key diligently acquainted himself with reports of the situation in Alabama. He faced a problem full of political dynamite.

The trouble had grown out of a treaty which Jackson had made the year before with the Creek Indians. In that Creek treaty of 1832 the federal government, in consideration of the Creeks' ceding to the United States all their lands east of the Mississippi, agreed to remove all settlers (with a few exceptions) from the ceded territory. The federal government, moreover, had promised to mark out certain Indian reservations on the lands, and within five years to remove from the ceded lands all persons found upon the Indian reservations that were located by the federal government. The removal of such settlers was, under an old federal law, the duty of the United States

marshal, who was empowered to request the assistance of the army, if necessary, upon orders from the president.

Key learned that nearly 3,000 settlers were affected. They had refused to move. They had quoted anti-Jackson newspapers to the effect that the whole scheme was an invention of land speculators, who hoped to buy up the new federal land. Governor Gayle of Alabama, who had been elected on an anti-nullification platform, had almost capitulated to the settlers and openly acknowledged his sympathy with them. They did, indeed, seem within their rights. They occupied parts of more than half a dozen counties. Their seats of justice were established. Law and order had been maintained. If this entire white population were ousted there would be no machinery of justice whatever within that part of Alabama except that of the federal government—an unwarranted intrusion upon state rights. Furthermore, many of the settlers were without means of moving. Only the lawless element owned good horses. The small farmers had sold their wagons and eaten their oxen, while they tilled their modest clearings by hand. They refused to allow the federal government's orders to disturb them.

In an extended correspondence with the secretary of war Governor Gayle had questioned the legality of the law which, within the jurisdiction of his state, authorized the removal of citizens. The governor asserted that many of the settlers had not wronged the Indians, that they had not actually taken title to the land, that they were prepared to resist a United States marshal with force.

In the newspapers of the time the Alabama emergency occupies as much space as Taney's sensational banking policy. Young men from as far north as New York—opposed to Jackson and the Van Buren "regency" at Albany—volunteered to fight for

Alabama. One such company of states' rights volunteers was actually raised. Civil war was imminent. Governor Gayle had been polite but dramatic. With the admirable self-control of a cultivated gentleman he had in one lengthy epistle to the secretary of war suggested that until the location of the reservations were established the whole of the disputed territory be ceded to one or more counties of his state. Thus law and order would be maintained by the state, not the federal government.

This epistolary discussion was suddenly interrupted by violent action. The federal marshal ordered troops from Fort Mitchell to remove the stubborn settlers by force. The troops, enthusiastically supporting General Jackson, lost their heads. They burned a couple of cabin towns. They fired at settlers. A postmaster by the name of Owens was killed by a United States soldier.

At once the state of Alabama, through the circuit court of Russel County, October grand jury, 1833, brought a murder indictment against the marshal's deputy, a lieutenant, and three privates—an indictment whose strong language contained the phrase, "An armed force claiming to be soldiers of the United States have been let loose among us." Also, said the grand jurymen, "The shrieks of the agonized wife, and the wailing of the orphaned children of the murdered Owens are yet ringing in our ears."

When a sheriff attempted to serve the warrants the major in command of the federal troops refused to deliver up to the state court the federal marshal and the soldiers named. The sheriff returned the warrant, indorsed, "Not served for fear of being killed."

Excitement spread throughout the South. The major who had resisted the sheriff ignored an attachment for contempt of

court, whereupon the court asked Governor Gayle to call out the militia to seize the United States major, marshal, lieutenant, and privates. If Gayle had complied with that request civil war would have raged in southern Alabama. Instead, Gayle called a truce by requesting Andrew Jackson personally to reconsider the whole matter.

Jackson, who did not desire a repetition of the South Carolina sort of nullification affair, particularly in the midst of his banking crisis, sent for Key. A capable lawyer with an even temper, Key was the one man most likely to succeed in arbitrating the dispute. He was dependable. He was not a politician. He was distinguished.

So Key was instructed by the secretary of war to proceed at once to Alabama and examine into the Creek controversy. He was ordered to communicate with the United States officers, and to consult with the federal attorney for southern Alabama. He was to inform them that General Jackson wished to preserve the civil peace. The military and civil officers as well as the marshal were to abide by Key's recommendations. Key was confidentially asked to advise all federal officers in the district to submit, if absolutely necessary, to legal processes from the state courts—and he was to conduct their defense. But Key's strategic object was to remove, if possible, all "improperly conducted" state cases to a United States court.

His mission being confidential, news of his departure did not leak out till about a week afterward, and was not published until November 11, when he was already in Alabama. On that day, said the virulent *United States Telegraph*:

"It is generally known here that F. Key, Esq., has been sent by the government to Alabama to arrange the difficulties with

that State. The *ostensible*, or rather the *avowed*, object of his journey, is to bring ejectment suits against some of the settlers, whom it is hoped can be induced to allow themselves to be removed, and thus afford an example to the others. . . . We cannot, however, think that this is really the object of Mr. Key's journey. We rather suspect that he carries with him a *carte blanche* to settle the affairs as well as he can, and save to the Government as much of their honor as can be preserved by trick, maneuver, persuasion and money."

This editorial from an anti-Jackson paper is quoted because it suggests the political bitterness of the Jackson era, the suspicion, the abuse, the thankless task which Key undertook. But the antagonistic *Telegraph* article regained its temper as it continued:

"We have little doubt that Mr. Key will succeed; but the settlers will remain. If the solid arguments exhibited in Owens's case (i.e. bullets) have not the effect of persuading the settlers to remove, we doubt if the less substantial ones of Mr. Key will produce much effect."

When these words appeared Key was already in Alabama, greeted with parades and bands as the author of "The Star-spangled Banner." Continued the *Telegraph*:

"We mean no disparagement to Mr. Key's powers of reasoning, but those who can withstand the arguments used against poor Owens will not be likely to pay much attention to writs of ejectment. . . .

"Let Mr. Key select some dozen vagabonds whom the settlers will be glad to get rid of—bring writs of ejectment against

them; and if the selections are properly made, the settlers will shut their eyes while they are removed. True, they will go back again as soon as the soldiers' backs are turned—the settlers will have been removed, and Gen. Jackson will again have put down nullification."

At Fort Mitchell Key was not primarily interested in ejecting settlers but in peace, and he was willing to compromise even to the extent of allowing the state to try the soldier accused of shooting Owens. However, having *carte blanche*, he did not make that concession immediately. Instead he attempted to discover Gayle's attitude toward Jackson, and learning that Gayle admired the president and was not opposed to the Van Buren ascendancy, he wrote Jackson that he believed an amicable settlement was not impossible.

Gayle's friendly sentiments simplified Key's errand, yet when he appeared for his first conference at the governor's mansion it was his own amiable personality rather than the distant Washington political situation which won Gayle's willingness to arbitrate the dispute. Key emerged from that first conference a house guest of the Gayles.

Indeed he was accorded the reception due a hero, and the society of Tuscaloosa crowned him with the poet's bay. He was met by a band which played over and over again "The Star-spangled Banner."

The description of that scene, as it has come down through the family, leads us to believe that Key was indeed tone deaf—or else that the Tuscaloosa band was extraordinarily inept at musical execution. As the serenaders blasted the autumn air with the tune of the anthem, Key turned to the gentlemen with him and, to their consternation, said, "That is a pretty air. What is it?"

In the governor's mansion Key and Gayle were almost prevented from conversation upon the Creek lands by the urgent social schedule of the ladies, who were determined to lionize their poet guest. In a generation during which Poe had followed Byron, Key—as a known intimate of John Randolph, the abandoned pessimist—was a novelty, a pious poet. He surprised Mrs. Gayle with his knowledge of theology. An animated hostess, she had entertained many celebrities but he was the most winsome of them all. In her diary she wrote:

"His countenance is not remarkable when at rest, but as soon as he lifts his eyes, usually fixed upon some object near the floor, the man of sense, of fancy, and the poet is at once seen. But the crowning trait of his character, I have just discovered, he is a Christian."

Key's personal popularity made a tremendous impression upon the governor. In a few brief conferences they ironed out the Creek controversy, which the Northern newspapers were at that time prophesying would require the efforts of several regiments of soldiers. They discussed nullification over the breakfast table. It was fortunate for Andrew Jackson that Key, the versifier, found himself in a household as alive with song as a bird cage. Mrs. Gayle herself confessed a penchant for rhyme, and she accounted Key a poet of the first order. During an evening devoted to playful palm reading and fortune telling, Key wrote in the album of little Miss Sarah Gayle:

Thine hand, dear little maiden! let me see:  
How run the mystic lines of destiny?  
The face too I must look upon, for there  
I used to read more plainly of the fair.

With face and hand, those tell-tales of the heart,  
If I have not forgotten all my art,  
I may some secrets of thy fate impart.

Now my divining's done—list to the lay  
That tells the fortune of thy future day.

Sarah Gayle! thou wilt be fair,  
So a thousand youths will swear;  
And beloved thou shalt be,  
And be-rhymed incessantly;  
Light the task for lover pale  
To sing of lovely Sarah Gayle:  
Never will his numbers fail  
To tell the charms of Sarah Gayle.  
See, they come o'er hill and dale  
To gaze in love on Sarah Gayle,  
And teach each Alabamian vale  
To echo to the name of Gayle.  
From distant lands they'll spread the sail,  
Hoping to catch a favoring Gayle;  
In summer's heat they'll wish a Gayle,  
And e'en in winter's storm and hail  
They'll still desire to have a Gayle.  
If thou shouldst frown, they'll sadly wail  
With broken hearts for Sarah Gayle;  
And many a heavy cotton bale  
They'll count light price for smile of Gayle.

Sarah Gayle! thou wilt be kind  
And perhaps one day inclined  
To take a name more to thy mind  
Than one that is so much be-rhymed.

Sarah Gayle! be wise as fair;  
E'er thou make that change, beware,  
And when thou giv'st away thy name,  
Give thy heart also to the claim  
Of one who comes with heart as pure  
As that he seeks, and name as sure  
Unstained and honored to endure.  
Sarah Gayle! be good as fair:  
Look to heaven—thy home is there;  
May this be proph'cy—'tis my prayer.

This flattering rhyme for the governor's daughter did more for Andrew Jackson than six months of wrangling in the circuit court. If nullification was avoided by a bribe this felicitous, bantering verse was the bribe. Friends of the Gayles, forgetful of the Creek land settlers, contrived other methods of securing a verse from the anthem author's pen. Mrs. Gayle, on behalf of a Miss Kornegay of Tuscaloosa, who wanted a verse for her album, wrote a request and placed it by Key's bed at night. As if some nocturnal sprite had conveyed the request to Key's bedside, Mrs. Gayle (referred to in the collection of Key's verse as "a lady in Alabama") wrote:

Thanks, gentle fairy—now my album take  
And place it on his table ere he wake,  
Then whisper, that a maiden all unknown,  
Claims from the poet's hand a trifling boon;  
Trifling perchance to him, but oh! not so  
To her whose heart was thrilled long, long ago,  
As his inspiring lays came to her ear,  
Lending the stranger's name an interest dear.  
A timid girl may yet be bold t' admire  
The poet's fervor and the patriot's fire;

But 'tis not these—though magical their power,  
They cannot brighten woman's saddened hour,  
And she, the happiest, has saddened hours,  
When all life's pathways are bereft of flowers,  
And her bowed spirit feels, as felt by thee,  
That to "live always" on this earth would be  
For her, for all, no happy destiny.

Poet and Patriot! thou may'st write for fame,  
By a tenderer and holier name  
I call thee—Christian!

Write me here one lay,  
For me to read and treasure when thou'rt away.

Key awoke and found the album and the request on the morning of December 13, 1833. He hastily wrote a lengthy reply. It is of interest for two reasons. It indicates his pleasure on this Alabama visit; it comments on "The Star-spangled Banner." Flattered by Miss Kornegay's request, apparently he could have spent the whole day scribbling an appreciative rhyme for her:

And is it so?—a thousand miles apart,  
Has lay of mine e'er touched a gifted heart?  
Brightened the eye of beauty? won her smile?  
Rich recompense for all the poet's toil.  
That fav'ring smile, that brightened eye,  
That tells the heart's warm ecstasy,  
I have not seen—I may not see—  
But, maiden kind! thy gift shall be  
A more esteemed and cherished prize  
Than fairest smiles or brightest eyes.

And this rich trophy of the poet's power  
Shall shine through many a lone and distant hour:  
Praise from the fair, howe'er bestowed, we greet;  
In words, in looks outspeaking words, 'tis sweet;  
But when it breathes in bright and polished lays  
Warm from a kindled heart, this, this is praise.

We are not strangers; in our hearts we own  
Chords that must ever beat in unison;  
The same touch wakens them; in all we see,  
Or hear, or feel, we own a sympathy;  
We look where nature's charms in beauty rise,  
And the same transport glistens in our eyes.  
The joys of others cheer us, and we keep  
A ready tear, to weep with those who weep.  
'Tis this, that in the impassioned hour,  
Gives to the favored bard the power,  
As sweetly flows the stream of song,  
To bear the raptured soul along,  
And make it, captive to his will,  
With all his own emotions thrill.  
This is a tie that binds us; 'tis the glow,  
The "gushing warmth" of heart, that poets know;  
We are not strangers—well thy lines impart  
The patriot feeling of the poet's heart.  
Not even thy praise can make me vainly deem  
That 'twas the poet's power, and not his theme,  
That woke thy young heart's rapture, when from far  
His song of vict'ry caught thy fav'ring ear;  
That victory was thy country's, and his strain  
Was of that starry banner that again  
Had waved in triumph on the battle plain,

Yes, though Columbia's land be wide,  
Though Chesapeake's broad waters glide  
Far distant from the forest shores  
Where Alabama's current roars;  
Yet over all this land so fair  
Still waves the flag of stripe and star;  
Still on the Warrior's banks is seen,  
And shines in Coosa's valleys green,  
By Alabama's maidens sung  
With patriot heart, and tuneful tongue.

Yes, I have looked around me here  
And felt I was no foreigner;  
Each friendly hand's frank offered clasp  
Tells me it is a brother's grasp;  
My own I deem these rushing floods,  
My own, these wild and waving woods,  
And—to a poet, sounds how dear!—  
My own song sweetly chanted here.  
The joy with which these scenes I view  
Tells me this is my country too;  
These sunny plains I freely roam;  
I am no outcast from a home,  
No wanderer on a foreign strand,  
"This is my own, my native land."  
We are not strangers; still another tie  
Binds us more closely, more enduringly;  
The poet's heart, though time his verse may save,  
Must chill with age, and perish in the grave.  
The patriot too must close his watchful eye  
Upon the land he loves: his latest sigh  
All he has left to give it, ere he die.

But when the Christian faith in power hath spoke  
To the bowed heart, and the world's spell is broke,  
That heart transformed, a never dying flame  
Warms with new energy, above the claim  
Of death t' extinguish; oh! if we have felt  
This holy influence, and have knelt  
In penitence for pardon; sought and found  
Peace for each trouble, balm for every wound;  
For us, if Faith this work of love hath done,  
Not alike only are our hearts—they're one:  
Our joys and sorrows, hopes and fears, the same—  
One path our course, one object all our aim;  
Though sundered here, one home at last is given,  
Strangers to earth, and fellow heirs of heaven.

Yes! I will bear thy plausive strain afar,  
A light to shine upon the clouds of care,  
A flower to cheer me in life's thorny ways,  
And I will think of her whose fav'ring lays  
Kind greeting gave, and in the heart's best hour  
For thee its warmest wishes it shall pour.  
And may I hope, when this fair volume brings  
Some thought of him who tried to wake the strings  
Of his forgotten lyre, at thy command—  
Command that warmed his heart and nerved his hand—  
Thou wilt for one, who in the world's wild strife  
Is doomed to mingle in the storms of life,  
Give him the blessing of a Christian's care,  
And raise in his defence the shield of prayer.

In the middle of December, when Key wrote this rhyme for Miss Kornegay's album—and not for publication—his Ala-

bama mission was nearing a successful finish. It had been as delightful as he had imagined it would be annoying. His album verse had accomplished more than forensic contention. He had prejudiced not only the ladies in favor of him but the governor and the political leaders of the state. There was no long and angry court procedure. Key and Gayle announced that a compromise could be reached on terms which the federal government, meaning General Jackson, had authorized Key to name. The locations of the Indian reservations would be surveyed by January 15, land outside the reservations would not be included in the ejectment order; settlers within the reservations would be given an option of buying their land from the Indians.

Through Key President Jackson had backed down gracefully. Nullification was forgotten to the strains of "The Star-spangled Banner." Before Christmas Key took a steamboat up the Mississippi to return by way of Cincinnati and Pittsburgh. The Creek controversy, which might have bathed Alabama in blood, was soon but a memory, a slight Jacksonian episode.

#### DISTRICT ATTORNEY

Upon his return, Key, although district attorney, resumed his practice before the Supreme Court, and in the next term of court took part in a case involving the navigation of the Potomac at Little Falls. During the construction of the Alexandria Canal aqueduct, connecting with the Chesapeake and Ohio Canal, the gravel escaping from the cofferdams threatened to hinder navigation. An interesting chain of legal preliminaries, by means of which Georgetown wished to curb the canal of its rival Alexandria, eventually led to the Supreme Court. In this case Key was associated with Daniel Webster and General

Walter Jones on behalf of a client named Binney. Key was unprepared. He had been away in Alabama. He had been catching up with the news of Taney as secretary of the treasury. But he was no less prepared than Webster, who although a busy senator earned an enormous sum by his Supreme Court practice.

Charles Sumner (quoted in Warren's "Supreme Court in History") observed this case before the Supreme Court, and wrote:

"Mr. F. S. Key is now speaking in the Supreme Court, where I write these lines. The case before the court is an important one. Key, Walter Jones and Webster on one side and [Richard S.] Coxe and Thos. Swann on the other. Key has not prepared himself, and now speaks from his preparation, on the trial below, relying upon a quickness and facility of language rather than upon research. Walter Jones . . . is in the same plight. He is now conning his papers and maturing his points . . . a labor which of course he should have gone through before he entered the courtroom. And our Webster fills up the remiss triumvirate. . . . All declare he has neglected his cases this term in a remarkable manner. It is now whispered in the town that he has not looked at the present case though the amount at stake is estimated at half a million dollars."

Insufficient preparation seems to be the eternal privilege only of great lawyers. By his aversion to details Key displayed an element of greatness. He was now handling the affairs of many private clients. One man offered him a thousand dollars not to appear in any case against him. Another who had met him at Tuscaloosa employed him to attend to all Washington matters for him.

The Taney's now neatly occupied the void which Randolph's death had occasioned Key. By his worldliness, his wit, even by his backsliding from the church, Randolph had stimulated Key. Taney consoled him. Taney, who once had been a self-conscious, reticent man, and who had trembled with embarrassment when he had argued against Key in the old days before the Frederick and Montgomery County courts, now was one of the bold, strong, silent men of the Jackson administration. Jackson had appointed him secretary of the treasury, promoting him from the attorney-generalship just before Key's departure for Tuscaloosa. Jackson had removed Secretary Duane because he would not remove federal deposits from the Bank of the United States. Taney, on September 26, 1833, gave the order for the removal of the deposits. The bank, on the pretense that the loss of the deposits compelled the action, immediately called in loans and discounts. The country was thrown into a panic.

Taney had been appointed when Congress was recessed, and Jackson did not send his nomination to the Senate till the early summer of 1834, just before Congress adjourned. The next day the Whig Senate rejected Mr. Taney, the first time in the history of the country that a cabinet member was so rejected. The following day Taney resigned and returned to his private practice in Baltimore. He was at once honored by public dinners, by the many enthusiastic groups who sustained the president and disapproved of the destructive tactics of the Whig majority in the Senate.

On August 6 following Taney's rejection the citizens of Frederick County, Whig and Democrat alike, tendered Taney a great public dinner and included Key as a guest of honor. It is

the dream of every youth who leaves his native soil to seek his fortune elsewhere to come home a hero. Key did so. Thousands of Frederick County people assembled on the old courthouse lawn, within the shadows of the walls where Taney and Key had pleaded simple criminal and civil cases. Francis Thomas welcomed them. Taney responded with a moving speech of gratitude. Then the committee, followed by the vast crowd, moved to the end of the lawn, where seventeen tables were spread with hams, joints of beef, chicken, jellies, wines, vegetables, sweets, ices, and every conceivable local delicacy. More than three thousand people partook of that meal. Key, at the committee table, was honored with a toast:

"Francis S. Key—a friend of the administration and an incorruptible patriot, worthy of being honored, wherever genius is admired or liberty cherished, as the author of 'The Star-spangled Banner.'"

After the toast was drunk and the applause which it had elicited had subsided (says the newspaper account quoted by Mr. Johns, who collected Key's volume of verse) Mr. Key arose and expressed his thanks for the very flattering notice that the company had pleased to take of him.

"He had never forgotten, he said, and never should forget that he was a native of the county whose citizens were now assembled upon an occasion so gratifying to his feelings. Though no longer a resident, its people and its scenes had never ceased to be dear to him. His annual visits here had been always anticipated with pleasure, and never, even from his boyhood, had he come within the view of these mountains, without having his warmest affections awakened at the sight."

Key then noted that the company had been pleased to declare their approbation of his song.

"They had recalled to his recollection the circumstances under which he had been impelled to this effort. He had seen the flag of his country waving over a city, the strength and pride of his native State.—He witnessed the preparations for its assault, and saw the array of its enemies as they advanced to the attack. He heard the sound of battle; the noise of the conflict fell upon his listening ear, and told him that the brave and the free had met the invaders. Then did he remember that Maryland had called her sons to the defence of that flag. . . . Then did he remember that there was gathered around that banner, among its defenders, men who had heard and answered the call of their country, from these mountain sides, from this beautiful valley, and from this fair city of his native country."

It is obvious that the citizens of Frederick never knew of Taney's criticism of their lethargy during the War of 1812. Flattering his old-time friends, Key let them suppose that *they* especially inspired the anthem, for he continued with no reminder of Bladensburg:

"Though he walked upon a deck surrounded by a hostile fleet, detained as a prisoner, yet was his step firm, and his heart strong, as these recollections came upon him. Through the clouds of war, the stars of that banner still shone in his view, and he saw the discomfited host of its assailants driven back in ignominy to their ships. Then, in that hour of deliverance, and joyful triumph, the heart spoke: and, Does such a country, and such defenders of their country, deserve a song? was its

question. With it came an inspiration not to be resisted; and if it had been a hanging matter to make a song he must have made it. Let the praise, then, if any be due, be given, not to the writer, but to the inspirers of the song.

"He would advert, he said, briefly, to another and still more glorious triumph. To another of our cities assailed by the same army. Before New Orleans was the flower of the British army, the veteran conquerors of Europe; men who had broken through hosts of disciplined warriors, and the proudest walls that military science could erect. With what scorn they must have looked upon our cotton ramparts and rude militia? And the general who was to oppose them, with such forces as these . . . what would they think of him? They thought of him, no doubt, as his present opponents still profess to think of him, as an ignorant and rash man, unfit for any command."

Thus did Key deftly introduce the name of Andrew Jackson into this gathering which had assembled to do honor not to Jackson but to two of Jackson's important supporters.

"Yes [continued Key], even now, when he has administered the government with unexampled wisdom and success, we are told that he is a man of no learning, of no ability as a writer or a speaker—and the most contemptuous comparisons are made between his qualifications and those of his rivals.

"Against such a leader, and such forces, the proud host of the enemy came on. Where are now the great orators and writers. 'Ubi nunc facundus Ulysses?' Where shall we find a man to disperse the advancing foes with the eloquence of a proclamation, or overwhelm them with the terrors of a speech? Andrew Jackson was there. He made neither proclamation nor

speech; but he put a tongue into the mouths of his guns and bade them speak to them. There was a speech to be had in everlasting remembrance."

After making comparisons between the doers and the talkers, Key, fascinated by his own subject, and revealing the easy eloquence for which he was famous, said:

"If their services were even equal, all must admit that there was some difference in suffering and sacrifice between the talker and the doer, between him who on soft carpets and to smiling audiences makes speeches for his country, and him whose nights are spent in speechless vigilance and his days in toil and perils; who offers ease, and health and life upon the altars of patriotism. If there was any suffering in speechmaking, certain patriots, whose daily labors in that way throughout the last winter had been so extraordinary were greatly to be commiserated. For himself, Key said, that when he had a good subject, as he had now, and saw before him such a company as he now did, and read in their kindling countenances, the warm feeling of approving hearts, he considered it a pleasure and a privilege to make a speech."

As an orator, Key could be subtle. In reverting to his song, he dwelt awhile on the subject of poetry, and the poets that a nation deserves; then, in a clever indirect fashion, upheld the policy of the government which Taney had executed as secretary of the treasury.

"But if ever forgetful of her past, our country shall cease to be the land of the free and the home of the brave, and become the purchased possession of a company of stock-jobbers and

speculators; if her people are to become vassals of a great moneyed corporation; if the patriots who shall dare to arraign her corruptions and denounce her usurpation, are to be sacrificed upon her gilded altar; such a country may furnish venal orators and presses, but the soul of national poetry will be gone. That muse will never 'bow the knee in Mammon's fane.' No, the patriots of such a land must hide their shame in the deepest forests, and her bards must hang their harps upon the willows."

In conclusion, Key himself proposed a toast to the real authors of his song: "The defenders of the star-spangled banner: What they would not strike to a foe, they will never sell to traitors!"

Thus graciously did he praise Jackson and Taney and his audience.

As he and Taney achieved fame in Washington the citizens of Frederick naturally exhibited considerable pride in them. They may have found Key's Colonization ideas "wily and insidious," for they sold more slaves to the Southern dealers than they freed outright; but they came to regard the Negro as a human being. We find that soon before this historic dinner to Taney and Key a Negro had preached in the Frederick Lutheran church. Indeed, a week afterward a woman exhorted from the Methodist pulpit. Jacksonian directness had come to Frederick County. Key and Taney, of the old aristocracy, were infinitely more democratic than many of the new-rich merchants and manufacturers who had fattened on the War of 1812.

Jackson, as president, had surrounded himself with confidential advisors; his brain trust was the kitchen cabinet; he had, through Taney, attempted to wrest the power of financial

tyranny from the bankers; his postmaster-general, Amos Kendall, was a master of patronage—and, curiously enough, it is not surprising to find the leading publisher of the day, James Gordon Bennett, writing to President Jackson, accusing the postmaster-general of attempting censorship of the press. As an attorney and friend Key upheld Jackson. He had represented Jackson's friend Blair, he was to represent Kendall, and he was to continue as district attorney under Van Buren. In the stormy latter days of the Jackson administration he again found himself, with Taney, caught in the maelstrom of political events.

In January, 1835, Justice Duvall, in ill health and at odds with the policies of General Jackson, resigned from the supreme bench when he understood that Taney would undoubtedly receive the appointment to the vacancy. Jackson appointed Taney at the last moment of the session of Congress. The Senate, still Whig, indefinitely postponed action on Taney's appointment. Chief Justice Marshall attempted to persuade several Senators to approve Taney. He wrote to Senator Leigh of Virginia:

"If you have not made up your mind on the nomination of Mr. Taney, I have received some information in his favor which I would wish to communicate."

In all likelihood Marshall received his information from Key. This word in favor of Taney was one of Marshall's last political acts. In that summer he died. Taney, who had been opposed as an associate justice, was nominated by the determined president for the chief justiceship. Day and night Key labored for his confirmation, and finally, in March of the fol-

lowing year, while Key was prosecuting the Crandall case, Taney was confirmed.

Key did not strive for any higher appointment for himself than his post as district attorney of the District of Columbia. That position permitted him to practice before other courts and gave him sufficient leisure for his activities in the Colonization Society, the church and the free schools. As a prosecutor he was almost too humane to please the president. In one case he boldly and honestly risked the displeasure of Jackson by his refusal to permit political considerations to enter into a sensational prosecution.

On January 30, 1835, while attending the funeral ceremony of Representative Davis of South Carolina at the Capitol, President Jackson was almost assassinated by a demented house painter named David Lawrence, who drew a pistol and twice pulled the trigger with the weapon aimed at the president. The pistol missed fire. The mad assailant was overpowered and taken to jail.

Impulsive and angry, Jackson was convinced that the attack upon his life was part of a plot led by his political enemy, Senator Poindexter of Mississippi.

As district attorney, Key was instructed to ferret out the plot.

That very night, while a strange winter thunderstorm swept across the District, Key interrogated the would-be assassin and was at once convinced that the man was insane. In the closely guarded jail Lawrence the house painter declared that Key nor no power in this country could punish him—because such action would be resisted by the powers of Europe. When asked what had led him to his Ravillac-like deed, Lawrence cried that he had long been in correspondence with the powers of Europe, and that his family had wrongfully been deprived of the crown

of England. "I'll yet live to regain it," he said. "I consider the president of the United States nothing more than my clerk."

Key was thoroughly convinced that Lawrence was mad, that he was incapable of serving as the tool of Senator Poindexter or any one else, but Jackson was so enraged that he believed the man was merely pretending insanity.

Although he owed his position and the recent position of his brother-in-law to the president, Key differed with Jackson. Despite his warm friendship for the administration, he recommended that Lawrence be committed to an asylum for the insane. Personally he loathed a creature so devoid of feeling that he would attempt to take any life, let alone that of the chief executive, yet he believed he had arrived at the truth of the attempted assassination and he refused to retreat from his stand in the matter.

At the trial District Attorney Key did not seek the cruelest punishment the law allowed but repeated his recommendation that the man David Lawrence be committed to an asylum for the insane; and his advice was taken by the court. Furious at this humane disposition of the case, Jackson believed to his dying day that Lawrence had been hired to kill him. Key's advanced and liberal endeavors were criticized. He replied that he had performed his duty as he conceived it and refused to apologize for his refusal to permit politics to obscure a criminal case that was ugly enough as it was.

In the following year, however, in the Crandall case, Key's speech (already quoted in the chapter on the Colonization Society) indicates that he stiffened his attitude toward offenders. In picturing Crandall as an agitator for a slave rebellion, he was accused of exaggeration, of hypocrisy. It must be remem-

bered that only a short while before this case Dr. Thornton's wife had been attacked by a slave who had been aroused by antislavery pamphlets. Key did not allow his friendship for the African race to color his belief that slavery suddenly abolished by law, or freedom achieved by a black rebellion, would be an evil far greater than human bondage. His own slaves had been freed. Slavery, as every man associated with the unhappy institution knew, was not a problem that could be solved by West Indian agitators or New England crusaders, themselves men who, though they would not eat or sleep with Negroes, cried for equality of the races.

The colonization scheme, though Utopian, was doubly impossible after the antislavery movement attacked it. Yet it was, in Key's generation, a useful forerunner of gradual emancipation. It was, no doubt, an unhappy circumstance that slavery was written into the constitution; that the powers of Congress in regard to it were limited. Yet, had the Northern majority been enabled to legislate slavery away overnight, as was done in 1863, the Negroes, freed suddenly at an earlier date, would have fared even worse than they have up to the present day. The Abolitionists, who had never seen a plantation, who had never lived in a community where released slaves were compelled by economic considerations to thrive by thievery and prostitution, persisted till they almost wrecked the Union, till they established a Northern autocracy, till they had seen the cream of America's manhood butchered on a thousand battlefields.

Key loved the Union; he most certainly would have fought for it. But, as he had demonstrated in Alabama, bloodshed does not settle human affairs. Tolerance, humanity, understanding—those virtues, which he possessed, though they often

seem smug and dull, carry a nation or a man farther than all the angry violence in the world.

In the Crandall case Key anticipated some of the dreadful bitterness that was to grow out of the subject of slavery. It is no wonder that, impatient of radical agitation at a time when the country was already like a powder magazine, he prosecuted the case to the limit.

Andrew Jackson, although he disapproved of Key's conduct in the Lawrence case, continued to cherish Key as a special friend. He recommended to Van Buren that Key be continued in the office of district attorney in 1837.

In the month after Van Buren's inauguration the country entered the worst financial panic of its history up to that time. The federal treasury called for payments on the loans which had been made to the states and through the states to local banks, a policy which had been made possible by a decision of the Supreme Court, five of whose members, including Taney, had been appointed by Jackson. In April, as men who had speculated or invested in remote public land found their loans called, as hoarding of specie began and inflated currency flourished, the price of clothing, food, labor, and rent reached incredible peaks. Slaves starved to death on the plantations. Poor whites took to the roads, attempting to reach the Edens of the West. Magazines and newspapers suspended, unable to pay for paper and ink. Banks closed. Bankruptcy laid terror over Maryland. Key, now happy in possessing Terra Rubra plantation along Pipe Creek, sojourned a long while there, enjoying the full smokehouse, flour from the local grist mill, food from the great kitchen garden. His father had sold off more than a thousand acres of land, and Key now divided the remainder into five tenant farms. But still the heart of the plantation beat prosperously.

Key went over his accounts, paid all he owed, lent to those who deserved it, pressed none of his debtors. He planned a new spring house and a new barn, a red bank barn, Pennsylvania style. Hiring free whites and free Negroes, he reduced the unemployment at near-by Peach Orchard, then as now a community of sturdy day laborers. Although prices were high, and were to remain high a long time, he spent freely. Optimistic about the future, he insisted that the Democratic policy of the government was crushing the city financial giants more thoroughly than it was injuring the men who lived off the land. At Terra Rubra, which he usually called Pipe Creek after the branch of that stream which it overlooked, he decided, now that he was approaching sixty, to spend more and more of his time. He could give up his house in Georgetown and live in Washington only when his presence was required in court. His petty district attorney cases were few; his private clients were many.

The next case in which he appeared before the Supreme Court was the Kendall case in 1838. As an associate counsel of Attorney-general Butler, Key received a measure of editorial criticism for attempting to uphold the right of the president, or one of his executive officials, to disregard a mandamus from the circuit court of the District of Columbia.

Kendall, as postmaster-general, had revoked the settlement of claims which had been made by his predecessors. Congress then authorized the solicitor of the treasury to adjust the claims. When Kendall, apparently by order of President Jackson, refused to recognize the solicitor's adjustment, he was served a mandamus by the circuit court. Then, says Warren in his "Supreme Court in History," "The case took on the aspect of a struggle between the Court and the President. It was argued by Key that this was an attempt by the Court to control the

Executive, or one of his officials, in the performance of an Executive duty."

Richard S. Coxe, who with Reverdy Johnson represented the opposition, attacked Kendall by saying that the mandate of the judiciary had been disregarded in language "highly menacing in its character" by an "insubordinate inferior who still hangs out the flag of defiance."

Butler and Key answered this "brilliant vituperative eloquence" by pleading for calmness, Butler saying, "Vehement invective and passionate appeals, even though facts existed which in some other forum might justify their use, were regarded as sounds unmeet for the judicial ear." The opposing counsel misconstrued a phrase of Butler's to imply that the president, empowered to execute the laws, possessed an equal power to forbid their execution—a remark which Butler succeeded in having expunged from the record. In their loyalty to Jackson, Key and Butler insisted that Kendall represented the president, to whom the circuit court of the United States, according to previous decisions, possessed no power to issue writs of mandamus.

The Supreme Court's decision, disregarding the distinction between the president or one of his cabinet, held that the mandamus did not interfere "in any respect whatever with the rights or duties of the Executive," that it was properly issued to Kendall "to enforce the performance of a mere ministerial act, which neither he nor the President had any authority to deny or control." Continued the decision:

"It would be an alarming doctrine that Congress cannot impose upon any Executive officer any duty they may think proper, which is not repugnant to any rights secured and pro-

tected by the Constitution; and in such cases the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President."

It was a major defeat for Key and Butler, who had attempted to uphold the emperorlike sway of ex-President Jackson, perhaps not suspecting that a less honest president would be bound to abuse the privilege of exemption from writs of mandamus. Said the *National Intelligencer* of the Supreme Court rebuke to Kendall and Jackson:

"It [the decision] will stand as a beacon to mark to demagogues in office, for all future time, the point at which their presumption and tyrannous disposition will be rebuked and effectively stayed."

Key must have appreciated the wisdom of the decision. His admiration of Jackson, the Democrat, had almost represented approval of a Jacksonian dictatorship. Good government, as an end, did not justify such means. It savored of the old-time Federalism.

After serving awhile as district attorney under Van Buren Key resigned and devoted himself to an increasing number of profitable private cases. Now sixty, the master of a comfortable competence, he resolved to retire to Terra Rubra and spend only a few months each year in Washington and Baltimore. He would be free to read, to try his hand at some serious verse—he had never quite abandoned that idea—and to travel. He could administer his own philanthropies.

A dean of the bar, he had held his own against the rising young generation of lawyers from distant New England and the West.

He and Polly, who had in middle age achieved her escape from further childbearing would enjoy their golden years in rural seclusion. By absenting himself from the city he would escape all petty litigation and profitless toil. He was a country gentleman as well as a lawyer, and the inevitable destiny of such a man is sanctuary upon the ancestral soil.

## CHAPTER XIII

### THE LAST YEARS

As HE rounded the age of sixty Key was as erect, lean, and agile as when he had lifted his first hunter over a redlands fence. His walking remained "like running." His laugh in the garden was as merry as the voices of his children. Mrs. Key, whom no one save "Frank" called Polly, was as proud and graceful as she had been when, fresh from the old Lloyd mansion at Wye, she had come to Annapolis and met the young law student whose sonnets graced her curls. A portrait of her in the possession of Mrs. F. S. K. Pendleton (which may well be from the brush of Rembrandt Peale, since Peale's advertisement appears in the Washington newspapers in the 1830's) discloses a woman of great beauty and character. Her face was full but not plump; her expression regal but gracious; from her lace cap protrude three studied little curls, which would seem girlish were they not the hairdress of a great lady whom men addressed as "Madame."

Mrs. Key never quite succeeded in absorbing Key's democratic informality. The care of eleven children had broken neither her body nor her spirit. She often traveled alone to Terra Rubra, with her children or her servants, or to the hot springs in Virginia. A typical Maryland woman, she never graduated into the quaint black wardrobe of the elderly middle class but adopted the new fashions as, in the early 1840's, they reached America from France. Key's devotion to her was boy-

ishly poetic. She entertained his friends and, respectful of his career, often visited the Supreme Court to hear him plead. But she was not inclined to call upon the plain redlands neighbors when at Terra Rubra, as Key was. She was content to receive all who came to the door, and to welcome Key's relatives.

By the hearth in Georgetown Key and Taney recalled their old redlands friends; and, with a sentimentality induced by brandy and nostalgia, phlegmatic Taney often became amusingly expansive, arguing with Key on the direction of mountain trails he had not ridden for years, discussing humble clients of his old days in Frederick, persuading Key that political ambition was an empty thing. Having had a taste of political excitement in the Jackson administration, Key was not so sure. In April, 1840, he confessed in a letter to his friend A. Stevenson, then ambassador to England:

"Often this winter have the Chief Justice and myself, condoling with each other about our prospects in the political way, talked over our old conflicts, & the way they were met. . . . And often when I think I see what our leaders ought to be doing, & that they are doing nothing, or worse than nothing, & remember your course in perilous times, I say to myself:

"O for one hour of Wallace wight  
Or will Skilled Bruce to rule the fight."

For to Key the Van Buren administration had been a let-down. No longer had he the freedom of the White House. Bitterly disappointed, he wrote:

"Now in the old times you remember, at the President's, & the houses of the Secretaries, there was a constant and free

intercourse with the members of Congress, & the course of the Executive & the measures to be pursued and recommended were all talked over & well considered. All this is laid aside. There is scarcely any social &, I believe, no political intercourse. And neither the President, nor any of his Cabinet, confer with anybody, nor seem to take any interest in the conflict."

Indeed, Key was moved to remark, "Sometimes I incline to think that the President is really indifferent whether he is reëlected or not."

Key had been relegated to the rôle of bystander, and he found it less satisfactory than in the old days before he had tasted the flattering experience of being an insider during the Jackson régime. He wrote to Stevenson:

"As to myself, I am pretty much as you left me—ride as fast & do everything else at the same speed. I did not however expect this. I had hoped to grow old quickly in the country. But this must not be yet. And, no doubt, it is best so. I have had many mercies to be thankful for & some severe dispensations to bear. I have not improved either as I ought to have done; but still hope to do better for the future."

His visit to Terra Rubra was delayed that summer by the long session of Congress which lasted till the end of July, paying no attention to his pleas for coöperation with the Colonization Society. Disillusioned, disappointed, he almost believed that the shocking session of Congress indicated that democracy was doomed. He wrote again to Stevenson, "If it does fail, the place of breaking down is the house of Representatives." He could not account for the paradox of a country improving

in every way, with its representatives "growing worse and worse."

With relief, he hurried to the country, healed his soul by walking in the meadows along Pipe Creek, perhaps searching for the old beech tree on which he had carved his Delia's initials almost half a century before. His black man Clem prepared the house for winter occupancy, fashioned quills, and manufactured ink; for when he had completed his correspondence Key now wrote steadily each evening—articles on the slave trade, speeches, farm memoranda; and when family and guests did not demand his attention he turned wistfully to the composition of verse.

Albums drew him like magnets; as carelessly as an amateur singer entertains an intimate gathering with a song he dashed off little gifts of rhyme.

In October, 1840, still at Terra Rubra, he wrote a verse in honor of a relative, Mrs. Eleanor Potts, "for many years afflicted with blindness, on hearing her play on the guitar." Whether or not Key was tone deaf, Mrs. Potts's music called up to him friends long loved and mourned. He thought of his mother, by whose side, he says, he heard those same songs—"and scenes and friends and joys long past quick at their bidding came."

Significantly, and apparently in contradiction to the family evidence that Key was devoid of musical sense, he wrote in this verse to Mrs. Potts the following words about his mother:

And if the magic power of song  
Its influence o'er me ever threw,  
And haply some small meed of fame  
To lay of mine be ever due—

These early teachings at her knee,  
To these the high-prized boon I owe,  
With all the blessings I have known,  
And all I ever hope to know.

This, of course, does not really refute Key's lack of a musical ear. Perhaps his versifying led him to exaggeration. He may never have realized that he was tone deaf. He was an optimist. A few months later, in late January, 1841, he wrote from Finksburg, Maryland, to Mr. A. F. Shriver, a wagonwright of Westminster:

"I should have answered your communication before, about the sleigh tongue and fixtures, but the snow so entirely disappeared I did not think it necessary, as I thought I should see you before this.

"I should be glad to make the arrangement you mention as I cannot get any one nearer than Westminster to make me a set, so if you will let me have these I will be much obliged to you, and I will pay you the cost of these as you propose.

"As it now looks as if we should have a little more sleighing, I have thought best to let you know my wishes.

"Yours with much respect,

"F. S. KEY."

Only an optimist would depend upon February sleighing in Maryland.

It is very likely that in February Key, though he had not supported William Henry Harrison—Tippecanoe and Tyler too—for president, visited Frederick, upon Harrison's stop-over

on the way to Washington. There at Dorsey's City Hotel, standing bareheaded while he made a speech, President-elect Harrison caught the cold which caused his death only a month after his inauguration.

Soon after Harrison's death Key was on a steamboat bound down the Ohio, passing the old Harrison home, on his way to the South in connection with legal duties—probably a combination of land cases, and the celebrated Gaines case with which he was associated in the last years of his life.

The Gaines case, in one form or another, reached the Supreme Court on nine different occasions—although Mrs. Gaines did not win the legacy, which she sought, till long after Key's death. Key defended her legitimacy, which had been attacked, and carried one aspect of the case, involving New Orleans real estate, to the Louisiana Supreme Court.

On this journey to the South he found the river steamers much improved since his upstream voyage on the way home from his Alabama mission. He took his son Philip Barton—called Barton—with him, for Barton was already a capable young attorney. From Cincinnati he wrote a letter to Mrs. Key, addressed to her at Washington, D. C., which gives an excellent picture of Key as a family man.

The steamer was docked at Cincinnati, where his favorite daughter Alicia eventually resided as the wife of Senator George Hunt Pendleton, the courtly and suave Ohioan of Virginia descent; and where Alicia years later lost her life in a tragic carriage accident in Central Park, before Pendleton became ambassador to Germany. In 1841 George Hunt Pendleton, of a wealthy and cultured family, was a stripling of sixteen. Key never met him.

Key's letter is self-explanatory:

"Cincinnati, 22 Apl—41.

"MY DEAR POLLY:

"Our boat is getting off from here sooner than I expected, so I shall have to give you but a short letter. We have been here 5 or 6 hours & have amused ourselves in going about this beautiful city. Its shore is crowded with steamboats, loading & unloading & the streets thronged with people. It seems more than twice as large as in 1833 when I was here & has trebled its population.

"I was disappointed in not seeing our friend Brooke. He was from home. I called & left a card. Perhaps he may come down to the boat before she starts. The Captain says he will be off in a quarter of an hour, but if any one should call with more freight he will stay, he cares not how long. The worst of this sort of traveling is that they are continually stopping everywhere for freight & passengers & you can never guess when you are to reach or leave any place. We ought to have got here yesterday morning, but have stopped four times for 5 or 6 hours at different places on our way.

"I should like this very much if I had time to spare. We expect to reach Louisville tonight; that is, some time in the night & there I fear we shall stay half of tomorrow. We shall be then 400 miles from the mouth of the river & about 900 from Fort Madison. I can not expect to get there before Wednesday next.

"We have a fine boat, good fare and pleasant company. The weather has been too cold for walking the deck and enjoying the scenery of this beautiful river. It has now become warmer and quite clear & we shall now be much on deck. Barton & I

have a snug little State room with two beds & you can't think how comfortable we are. . . .

"There is the dinner bell

"Yr affec'y F KEY.

"The Captain has been more punctual than I expected & got off while we were at dinner. We have just come down from the upper deck, where we took our post to see the country seats on the river below Cincinnati & particularly of Genl. Harrison at North Bend. It is a beautiful house—one wing has been burnt down about a week ago. The General's wife is not at home; she set out to go to Washington & was at Wheeling, but it is thought she did not go on.

"I have often wondered to myself where you were. I suppose you went to the Woodyard, of course—but I have thought very likely you would settle down at home. I shall long to hear of you, & expect to find a letter at Fort Madison when I get there.

"Let me know all your movements & how you will dispose of yourself next month——

"That is—if you know yourself——

"If you determine on Pipe Creek, take a little interest in the garden, that we may fare better than usual as to fruit and vegetables. You will go or send for Virginia & the little boys, of course. You must let them know at the Post office where you go, that they may forward your letters——

"Again farewell

"Yr affec husband

"F. S. K.

"P. S. Mr. Brooke called and left his card in my Stateroom while I was out shopping."

Mrs. Key evidently went to Pipe Creek for Key rejoined her at Terra Rubra during the summer. He amused himself with some verses. He did not expect them to be published and seldom exposed them to editorial friends. He very definitely felt that he must produce something besides a few hymns and "The Star-spangled Banner." He now wrote of death and heaven; he paraphrased the Psalms.

But he could not entirely escape from the court rooms, which, despite enormous fees, irked him.

His last important case before the Supreme Court was as attorney for Robert White, collector of the port of Georgetown, who had been maligned in a letter addressed to President Harrison.

Against Key in this case were his old friends and associates General Jones, Richard L. Coxe, Joseph H. Bradley, John Marbury, and Robert Ault. In the district court they won, the court holding that the charges against White, being addressed to the president, formed a "privileged communication." Key appealed to the Supreme Court, which reversed the lower court.

In May, 1842, he made his last great address to the American Colonization Society, a speech which has been commented upon in the chapter devoted to the organization.

After a pleasant summer in the redlands, superintending the completion of his new barn, arranging the gardens and grounds for more permanent occupation, he planned to return to Washington, where he had to be in court in December. He was loath to go. Terra Rubra was more accessible and convenient than it had been when he had gone off to the city in his youth. Market-men came to the door with sugar, molasses, salt, tobacco, and coffee. One regular visiting hawker, a stalwart man who kept a lean team, used to shout, much to Key's amusement, as he

came up the driveway, "Boy—go in a mudhole fast and come out slow!"

As the most important man in the community Key had been instrumental in ridding his end of Frederick—now Carroll—County of slaves. When a man named Daniel Roop sold all his Negroes to the Georgia dealers, he raised a fund to buy them back and give them their freedom, and was thoroughly baffled when one of these Negroes, an aged woman, preferred to remain a slave in the South.

Another Negro, Philip Toyer, who had bought his wife of Key for a sum said to be one dollar, was known as Governor Toyer of Peach Orchard; and he frequently came across the fields from his cabin to help Key's free black steward, Uncle Clem, in chores about the mansion. The presence of these friendly blacks, whom he had known when a boy, gave Key a nostalgic pleasure in restoring Terra Rubra as a permanent country seat. He planned to install a white farmer in a wing of the house, with Uncle Clem as his assistant.

The end of November he took the coach to Washington, perhaps having Clem take him in the gig to Westminster, which was then the county seat of the newly erected Carroll County.

On December 3, after an early blizzard which froze the canal and drifted snow high in Washington's streets, he wrote to his wife, addressing the letter to Bruceville, which is less than a mile from Terra Rubra.

"Washington, 3 Dec—42.

"MY DEAR POLLY:

"Since I last wrote to you I have made the inquiries I intended at Gadsby's & Fuller's.

"As to Gadsby's, it is out of the question. He said he would take us, two chambers & a parlor & a table to ourselves, for 90\$ a week. I then went to Fuller's. He showed me four rooms, quite conveniently situated by themselves, it being in fact a house by itself with the exception of the basement rooms. He will give us these—with a separate table & fuel lighted & me finding the lights for the chambers for 55 a week—or, 50\$ a week for 3 of the rooms. This would make 220\$ a month—two months 440\$, & 3 months 660\$. I have no doubt this is cheaper than living in our own house. The house rent alone (as we have to keep it for the whole year & use it only 3 months) will nearly amount to 3 months' board.

"Then there would be wood & coal & lights & Servants' wages & market & groceries. So think about all this & let me know what you say to it. I saw a letter from Barton to Charles Jones, from which I fear Polly is worse again. I hoped I should have got a letter to-day. You have now a snow in good earnest; & I suppose have had the Sleigh out. It would not do to try it all the way here, for it has thawed so much to-day that I expect there will be no sleighing tomorrow.

"You cannot think what a nice time I have here. Lethe gives me a capital breakfast, makes the best toast I ever saw—almost equal to Pipe Creek Buckwheat cakes. Of course, when I don't visit, I can have as good a supper. As to dinner, the General & Charles are very kind and polite—but their dinners are too good—ducks, fish & Madeira—and last too long. They prefer me to come to breakfast; but their hours would not suit me. So I have dined there yesterday & perhaps may again tomorrow.

"Besides Lethe, I have found another capital Servant. He is a man having a wife at one of our neighbors. He brings my wood & does all my errands & is one of the cleverest & most

obliging fellows. He markets for several families & is a sort of general Jobber or man of all work.—Tell the girls and boys I suppose they were delighted to see the snow. Ellen may perhaps be frightened by the fear it will keep her longer there & keep everybody away—but if I can manage to get away from the court I shall not mind the snow. I must be in Court on Monday next, but I think in a day or two after that I can get away for 3 or 4 days, perhaps for a week.

“Do make them write to me—all who choose to let me see how they like the Country now—& that they have brightness enough, in & among themselves, to cheer the gloom of a deep snow in the Country.

“I have not heard from Elizth. I suppose she has informed you of the distressful fate of her little ones.

“Give my love to all——

“Affecy yrs

“F. S. KEY.

“P. S. I hope the wash-house Pump &c is all done, or at least made safe and comfortable & that you have water enough—& that Clem gives you fire enough. Tell the Girls I have not had time yet to call & see the Jones’s & get the news for them. But I will try & do so tomorrow. The General seems undecided about the house he took on Capitol Hill & I doubt whether he will go there. Charles is persuading him to take River’s, but he says he does not like the neighborhood.”

We do not know whether Mrs. Key joined Key in Washington before Christmas. Happy and well, he made a last visit to Terra Rubra in December. Early in January, 1843, he appeared before the Supreme Court, then hastened to Baltimore for

another professional engagement. On the way to Baltimore he wrote a lengthy poem which he entitled *The Nobleman's Son*. It sprang from the text "Yesterday at the seventh hour, the fever left him" (John iv, 52). In this poem Key describes the recovery from death of a young nobleman whose mother had prayed for him. It concludes:

A gift beyond thy poor request  
May to thy prayers be given:  
A life to be spent in the mansions of rest,  
And the endless bliss of heaven.

Key was himself feverish from a cold when he wrote this stanza. In Baltimore he walked alone to the house of his daughter Elizabeth Phoebe, who in 1825 had married Charles Howard. She lived in the old Howard mansion in Mt. Vernon Place, the present site of the Methodist Episcopal church. In her house Francis Scott Key died of pleurisy, complicated by pneumonia, on January 11, 1843.

## CHAPTER XIV

### AFTERWARD

UPON receiving word of his sudden death the Supreme Court adjourned, and the chief justice hurried to Baltimore with Mrs. Taney, whose health was seriously affected by the shock. Mrs. Key ended her days in Baltimore and was buried there beside her husband. Years later, through the efforts of George Hunt Pendleton, who married Alicia Key, their remains were removed to Frederick's Mt. Olivet Cemetery, a veritable Valhalla at the foot of the Blue Ridge.

Already divided into the Five Farms, Terra Rubra was sold, and the old mansion, weakened by a storm, was replaced by a modest red brick farmhouse. In the redlands the manorial days were at an end.

Clinging tenaciously to life, the chief justice inducted seven presidents into office and died during the Civil War while unsuccessfully striving by means of constitutional interpretation to curb the dictatorial power of President Lincoln. In 1843, when Key died, Lincoln was a crossroads lawyer. Even at that time, however, although Tyler's war had not yet added California to the Union, the coast-to-coast destiny of America was inevitable. One of the first monuments erected to Key, a child of the Revolution, overlooks the Golden Gate.

George Washington had patted Key's head at Terra Rubra; and Andrew Jackson leaned on his arm in that straggling Poto-mac settlement which wore the aspect of a failing real estate

development and bore Washington's name. Key had grown up with the young republic.

His contemporaries—Cooper, Irving, Audubon, Johnny Appleseed, Webster, Clay, Calhoun, Randolph, Taney, Frémont, Jackson, Fulton, Poe, Garrison, Phillips, and so forth—knew him not as a poet but as a conspicuous and able and sometimes bothersome liberal, a distressingly serious layman, and, most singular of all, an honest lawyer. Amiable, mild, generous, and virtuous, his colonization pleas and his free-school activities were accepted for what they were—the enterprises of a prosperous, if not wealthy, middle-state man who carried into town life the simple idealism of a benign squire. Dynamic but essentially unheroic, he was a useful citizen, and on that meteoric journey when he wrote a song which stirs our spirits and pleases our ear he added more significance to his life than he ever anticipated. He, a tone-deaf album poet, achieved immortality in spite of himself. And, like most Maryland celebrities he is now a vague figure, his life eclipsed by one spectacular deed.

John Randolph was the first man to assert that the North begins at the Mason and Dixon line, but Randolph failed to observe that the South does not commence till the Potomac, that Maryland lies between, a land of culture rather than brilliance, of averages rather than extremes, less ambitious than the West, less industrious than the North, less indolent than the old baronial South. Of Maryland Key was the essence. A minor character, not daring to risk the defeats and outrages common to careers of the first rank, he could have attained greater things. He possessed integrity, sympathy, fluency, and humor. But like Hanson, Howard, Carroll, and Johnson, he never escaped the pleasant limitations of the Chesapeake and the Blue Ridge.



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In addition to the listed references the author has read biographies of most of Key's contemporaries—the Adamases, Jefferson, Madison, Burr, Hamilton, Webster, Clay, Calhoun, Wilkinson, Jackson, etc.

Still another source of information has been employed, or rather two: The locale, and the tradition existing therein.

*Tradition*—From my grandfather, the late Samuel Weybright of Hollow-Rock Farm, Keymar, Maryland, and also from his friends, I absorbed a great deal of the atmosphere of Terra Rubra plantation as it was a hundred and more years ago. He was an occasional correspondent of Key's grandson, John Ross Key, the artist; and at the time of the hundredth anniversary of the defense of Fort McHenry, in 1914, was active on committees interested in discovering Key material.

*Locale*—The spring house at Terra Rubra was torn down not so many years ago; a picture of the house hangs in the Pickersgill home in Albermarle Street, Baltimore; also a portrait of Philip Barton Key, the elder. At Frederick, in Taney's house, now a museum, an entire room is devoted to Key items; and the Mt. Olivet Cemetery abounds in records of a century and more ago. In Georgetown, Key's house, much changed, still stands; and it is not difficult to imagine how it once appeared, for John Ross Key has painted a picture of it as it was in the 1820's. Philip Barton Key's mansion in the District, still called Woodley, is now occupied by the Honorable Henry M. Stimson. In Annapolis, practically every house in which Key dwelt, visited and studied remains in good repair. In Baltimore, Fort McHenry, altered but kept as

a park, is under the supervision of the War Department; the North Point battlefield is marked and preserved; and the home of Mrs. Pickersgill, abounding in relics of the War of 1812, including Key exhibits, is now a museum. At Upper Marlborough there is no evidence of Dr. Beanes except his grave, but old residents recall stories of his life there.

VICTOR WEYBRIGHT.

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